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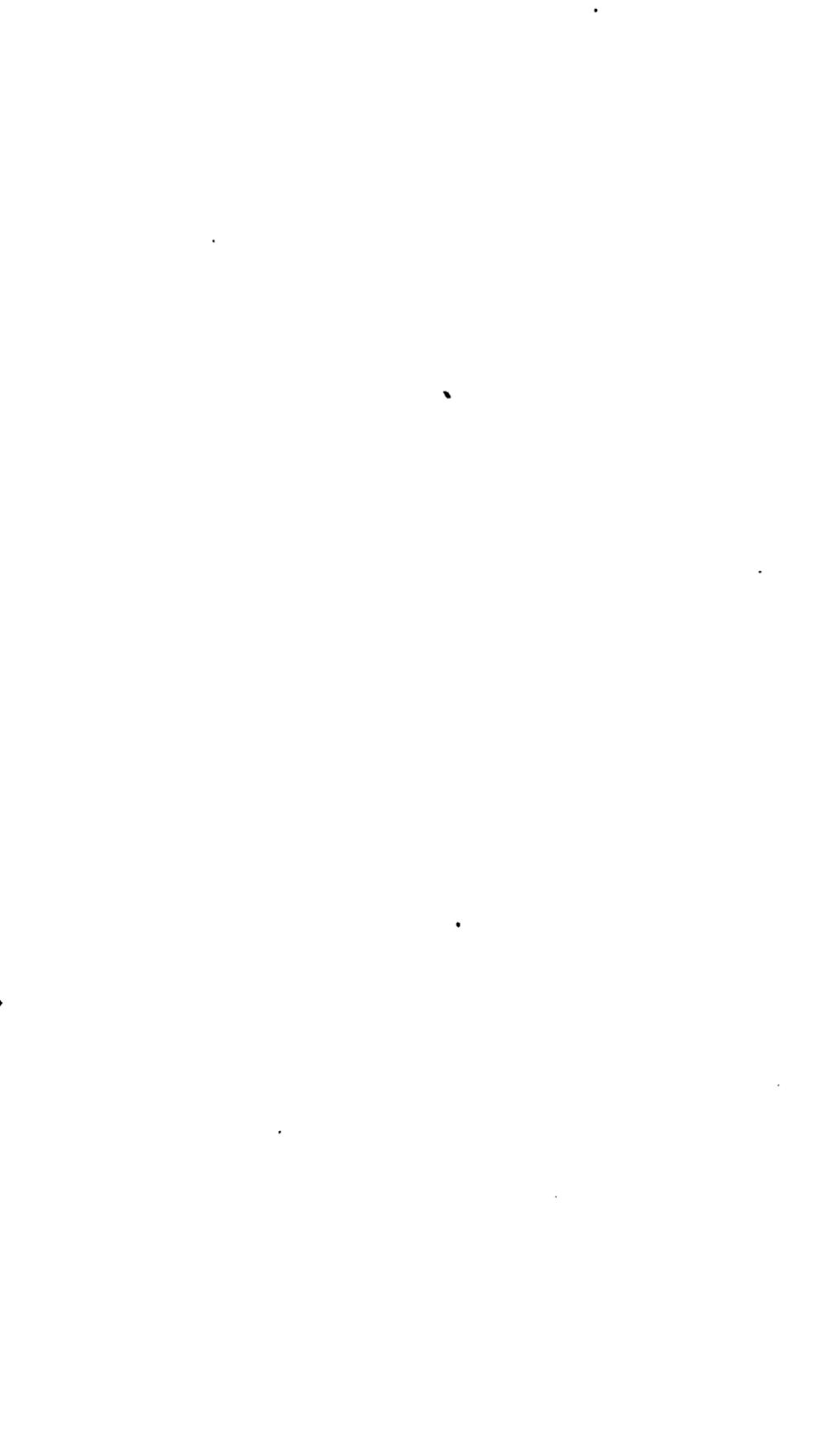


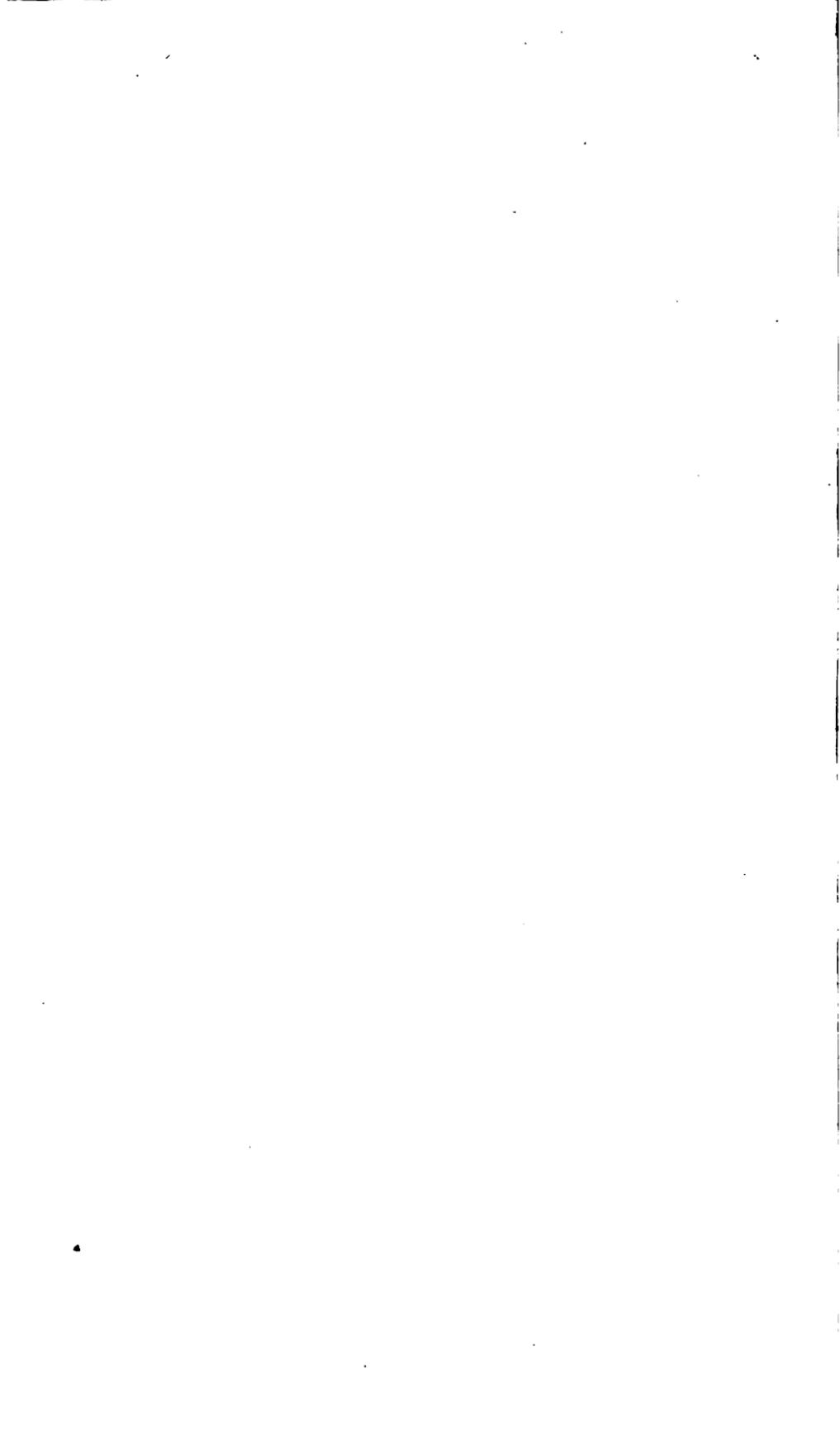
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AN ADDRESS  
TO  
THE BRITISH PUBLIC,  
ON THE CASE OF  
*BRIGADIER-GENERAL PICTON,*  
LATE GOVERNOR AND CAPTAIN-GENERAL OF THE ISLAND  
OF TRINIDAD;  
WITH OBSERVATIONS ON THE CONDUCT OF  
**WILLIAM FULLARTON, Esq. F.R.S.**  
AND  
THE RIGHT HONOURABLE JOHN SULLIVAN.

---

By LIEUT. COL. EDWARD ALURED DRAPER,  
OF THE THIRD REGIMENT OF FOOT GUARDS,  
Formerly  
MILITARY SECRETARY TO THE LATE GENERAL GRINFIELD,  
IN THE WEST INDIES.

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O magna vis Veritatis, quæ contra hominum ingenia, calliditatem,  
soltiam, contrâque *fictas omnium insidias* facile se per se ipsam  
defendat !

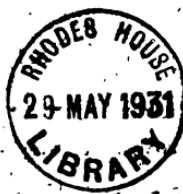
CIC. PRO M. CÆLIO.

London:  
PRINTED BY D. JAQUES, 30, LOWER SLOANE-STREET,  
And Sold by  
J. BUDD, BOOKSELLER TO H. R. H. THE PRINCE OF WALES,  
AT THE CROWN AND MITRE, FALL MALL.

1806.

Funckes Grafta

LIBRARY OF THE UNIVERSITY OF TORONTO



## ADVERTISEMENT.

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IT may appear both superfluous and unnecessary to add any thing to the various important reasons which I have assigned for this publication in the body of the work. One yet remains, which I am sure my readers will not consider either superfluous or unnecessary in me to annex.

When an attempt has been made to shut up the avenues to public information, and when that attempt can be proved to have been but too successful, it demands a very serious notice.

The *honest* industry used by Mr. Fullarton to disseminate his cruel slanders against Colonel Picton, required, from all impartial men, that every fair opportunity should be afforded him to contradict and refute them. The charges brought forward were of an unpopular nature, ingeniously and purposely calculated and used to produce hatred and disgust; and when these came to be powerfully assisted by national prejudice, it behoved that class of the community, who are the only *regular* channels to the public opinion, to be free, liberal, and impartial in their conduct to *both* sides. We shall see whether this impartial conduct has marked the proceedings of the Scotch booksellers on the occasion.

When Colonel Picton published his letter to Lord Hobart, the late Colonial Secretary, and now Earl of Buckingham-

shire, a friend desired his bookseller, Mr. Lloyd, of Harley-street, to send fifty copies of the letter to book-sellers in Edinburgh of the names of Manners and Miller. The copies were sent; and the following is the answer which Mr. Lloyd received from them.

“ SIR, Edinburgh, 28th Nov. 1804.  
 “ We were favoured with yours of the 20th, informing us  
 “ that you had sent us by the coach fifty copies of a pam-  
 “ phlet, entitled ‘ A Letter to Lord Hobart from General  
 “ Picton,’ to be advertised and sold at 2s. 6d.  
 “ We received the pamphlet yesterday; but on looking  
 “ over it, we find it reflects too much on the character of  
 “ Colonel Fullarton, that we must beg leave to decline  
 “ having any concern in the publication. You will, perhaps,  
 “ be surprised at this; but the fact is, we are very much con-  
 “ nected with the friends of Colonel Fullarton, and have so  
 “ great a respect for himself, that we should do ourselves a  
 “ very material injury by selling the pamphlet in question,  
 “ &c.

(Signed) “ MANNERS AND MILLER.”  
 “ To Mr. Lloyd, Bookseller, Harley-street.”

The Gentleman then desired Mr. Lloyd to write to a Mr. Creech, who, I understand, is reputed one of the most opulent and *respectable* booksellers in that country, also living in Edinburgh, and to request he would advertise and publish the letter.

My friend was naturally a little suspicious of what might be the result; and although Mr. Creech agreed to Mr.

Lloyd's proposal, yet from Mr. Creech stating in his letter, that Mr. Fullarton, "was in his shop at the time the parcel containing the letters arrived," he requested Major M'Donnell, of the 83d regiment, to call at Creech's shop to purchase one of them. The following is an extract from the Major's letter on the subject.

" I called, according to your wish, at Creech's, to purchase one of General Picton's letters, and was informed by the person in the shop, ' that it could not be sold.' " And Major M'Donnell, with that manliness so characteristic of him, adds, " I consider the booksellers to have acted under very despicable unmanly principles: however, it appears to me every object has been answered without them."

(Signed) " C. M'DONNELL."

" Edinburgh, Feb. 11, 1805."

The publication of this letter was thus totally, and most unjustly, prevented in one very large and important quarter of the empire.

I am not fond of national reflections. I love and esteem many Scotchmen; some whom I am proud, and honored by being called their friend. A whole nation has, in ancient times, been saved on account of *one* good man. I do not wish, or mean, to arraign that nation; and if it be any consolation to the Scotch booksellers to know that on this side the Tweed, persons in nearly a similar line of business can do illiberal and unjust things, I insert an advertisement, which was brought by a friend of mine to the publishers of the

Morning Chronicle and the Morning Post \*; and a copy left at each office. The person, on his first visit, seeing a sort of reluctance, or indecision, in their assent to print it, said he would call again, requested them to consider it, and, if they agreed, he would pay for it on his return. That night he called at each office, but could get no answer; the next day he called three different times, but could neither see the Editors, nor receive any answer. The advertisement, of course, never appeared.

#### ADVERTISEMENT.

" In the very interesting and important case of The King " against Governor Picton, it is due to the justice of the " country, that until the decision of the Court of King's " Bench on the points reserved for its consideration be " known, all partial comments should be avoided, as we " understand, as soon as this determination is pronounced, " the trial will be published from the accurate notes of a very " eminent short hand writer; when the public, then in full " possession of every fact, will draw its conclusions with that " good sense and candour which form so distinguished and " honorable a feature in the national character."

Here is no general or particular remark or observation, not a single word to influence public opinion. This then, I say, is illiberal conduct in any case, Scotch or English;

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\* The Editors of both these papers are, as I am informed, Scotchmen; it is clear that they gained nothing by their transplantation.

in the present, I hold it highly criminal. If the Editors know the circumstance, they should be ashamed of it; if they do not, which I very much doubt, it is right they should be made acquainted with it. It is one of the many base, ungenerous, and unmanly ways, which has been practised towards Colonel Picton, to prejudice him and his cause, and to obstruct and prevent truth from getting admission to the public: It is a most serious injury to the national character, and well deserves stronger and more severe apimad-  
version. Let them now "throw in a paragraph" if they think proper. *We shall read it with perfect complacence, careless whether it come "from authority," or not.*

Although this Address was not intended for publication at so early a period of the business to which it relates, yet the scandalous use which has been made of a circumstance that occurred upon the trial, and in the Court of King's Bench, and which, it is allowed on all hands, was entirely of a new and unparalleled kind, has been productive of so much public mischief, has so irritated and prejudiced the temper and opinions of the larger part of the community, the middling and lower classes, and has been turned to such vulgar and dishonorable purposes by the enemies of Colonel Picton, ever on the watch to lay hold of any circumstance even less authoritative than that which issued from the Court, that I hold myself exonerated from any imputation of haste, rashness, or unseasonableness, in now printing a work, which it is probable, but for these circumstances, I should have deferred to a later period. The circumstance to which I allude is a picture of Louise Calderon on the picket,

I believe a coloured drawing, which was produced by Mr. Garrow, and shewn to the Jury, " *by way of explaining the instrument of torture, and to shew how and in what manner she was placed upon it.*" Nothing else was meant: for Mr. Garrow, in my hearing, told the Noble Lord on the Bench, when he presented this delectable treat to Mademoiselle Calderon, " I wish the position of your Lordship could have enabled you to have seen the *involuntary expression of the sensation of the witness on the inspection of the drawing;*" Mr. Garrow no doubt *intending* that what he said to the Judge should not be heard by the Jury; for in his speech afterwards he said, " Gentlemen, With respect to the picture which has been stated to have inflamed your minds, &c., I ask nothing of your passions"—No, nothing at all. I don't want *you*, Gentlemen, to witness " this involuntary expression of the witness's sensations"—This dramatic exhibition is reserved entirely for the entertainment of his Lordship. Mr. G. desires that *You*, Gentlemen of the Jury, should shut your eyes, and go to sleep a little, while the Noble Judge should not only be awake, but shold change his position, and turn on the other side, to please Mr. G., and see and enjoy this farical scene, which he had with so much taste and ingenuity invented for his Lordship's sole entertainment. The Noble and Learned Judge turned away from such mimickry; he deprecated such tricks; and expressed a hope that no use would be made of it out of doors; yet the picture now before me is printed, and marked thus, " *With a Plate of the Girl, Pulley, Spike, and the Grilles, &c., from a Drawing exhibited in Court. Printed for*

*"Crosby and Co., Stationers' Court, Ludgate Street."*

Such is the happy effect of Mr. Garrow's matchless invention. It was not necessary for me to change *my* position to see the neat and adroit *manner* in which Mr. G. made this exhibition; for I had the happiness and honor of being *very* *near* him, and I was, no doubt, astonished at the wonderful art and dexterity he displayed. Katterfelto or Breslaw could not have exceeded him. As the musicians speak, there was a *fineness of finger* in the elegant manner in which he first turned up this drawing; of which no adept in *legerdemain* need be ashamed. The finger and the tongue too moved in such perfect unison, that not a performer amongst them could rival him. The *effect* was so sudden, so unexpected, so electric, so full of all the necessary qualities to call forth surprise, astonishment, and "delightful horror," that Burke himself, if he were alive, would have gone to school again, and taken a lecture from him to add to the next edition of his "*Sublime and Beautiful.*" I endeavour to smother the real honest indignation which I feel at this most unbecoming exhibition, by giving it an air of ridicule which is really very ill suited to, and inconsistent with, the subject. It should be stigmatized and condemned by every description of persons, as a disgrace to the Court, and a reflection on the known purity of its high character. It should be branded with every indignat epithet, and scouted from the possibility of such an unseemly representation ever again making its appearance in a tribunal, whose forms and practices should be of the most sacredly decorous order. Mr. Garrow should have reflected, that while, in this case, he was *seemingly* only doing *Punch*"

in the show, and bringing out one of the puppets, or posture-masters, to make people wonder and stare, he was producing sensations and effects of another, very different, and more dangerous nature: like the bite of the *Cobra-de Capello*, which Mr. G. will understand by the help of his Dictionary of Natural History, it had something of the magic effect, but more of the poisonous and deadly consequences, that follow the teeth of this venomous animal. But why should I wonder at Mr. G's various powers: he is an experienced trader in "hot and cold," and I have very lately read an address of his, in which nothing could exceed the eloquence he displayed, in impressing "*impartiality*" on the minds of the jury; and I dare say that he believed *himself* in every word he *said at the time*. Like Mr. G., I too love ingenuous exercises, and like him I sometimes give shrewd opinions. I say then, that in my humble opinion, if Mr. G. possesses one faculty superior to another, it is VERSATILITY; I think it transcends his knowledge of metaphysics, of which I have given a very beautiful specimen in this work. He is really a Proteus, a word that by the help of his mythological learning, (which I am told is equal to his metaphysical,) he will understand the meaning of. An intellect like his is worthy of a nice analysis, and if Mr. G. adds an expanded philanthropy to his other great qualities, when sooner or later his spirit visits the mansions of *peace*, which for the *happiness* and *quiet* of this nether world, may Fate long forbid, he will direct his brain, together with the cranium to which it belongs, to be sent to the celebrated Dr. Gall, of Vienna, for the full and complete elucidation of that most wonderful and useful science of craniology, which HIS pro-

found genius has ~~ever~~ invented: it will be no doubt a great satisfaction to his purer part, then to ascertain, what our hard purer minds here have only doubted, that an empty skull can furnish just as much talk as a full one.

I have said some coarse as well as some fine things to Mr. C. in this book. I did not contemplate his character that roughly at that time; or I should not have been seriously angry with him. However, he has often transgressed himself in this way, and like all old incorrigible sinners, is no doubt of an allowing temper and disposition. Now that I do pretend to know him better, and to think *very little* of what ever he may say, I promise never to be in a rage again. Whenever he "snatches a grace beyond the reach of art," as in the beautiful metaphysical distinction alluded to, he will pardon me, if I always consider it my duty to record his follies with fidelity: but when he gets to the chin, and flounders in the mud of Spanish law, then indeed,

"*Laugh when we must, be witty where we can,  
But vindicate the ways of man to man.*"

My poetry will relieve his mind, perhaps, after some elaborate and recondite metaphysical research, and wishing to put him in a musical humor, and in good temper, I beg leave to offer him the above distich, "pour s'amuser," which by the help of his French dictionary, he will be able soon to translate.

The CASES OF THREE GENTLEMEN, who have taken a very active and *honorable* part in the affairs of Colonel Picton, and which will be found in the Appendix, Nos. XIV., XV. and XVI. I should certainly apologize to my reader for polluting my paper with; but I hold that there is no other mode so effectual of undeceiving the public, as by publishing the names of all those persons, and the circumstances of the crimes of which they have been found guilty. This is a proof *positive* as to their reputation, and the sort and kind of credit or belief, which their assertions should obtain in this country, in any thing connected with the case of Colonel Picton;—Indeed it will be that species of reply, and that only, which I shall ever give, to whatever they, or other persons of a similar class, may have the impudence or effrontery to make to what I have stated in this letter, and I am determined firmly to adhere to this resolution, be the author who he may.

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It is necessary to observe, that there is a strength of expression in many parts of this statement, and a rudeness, if I may so call it, of language, which in any other case or situation, I should have held myself reprehensible for having used. I feel the more inclined to make this admission, when I consider the many noble personages into whose hands it will come. The language and conduct due from one gentleman to another, I trust it will be allowed me by those noble persons, that from my rank and situation in life, I ought and do understand. The case here however is not between *TWO*

gentlemen; and although I do not hold this as any excuse for an infringement of the proprieties of conduct and discourse, yet it will be recollected that there was inseparably attached to my work, an office most irksome, but most indispensable;—the exposition of vulgar vice, and malignant calumny;—the detection of mean hypocrisy, of wanton malice, and insidious fraud. I am not experienced in this sort of work; it is my first, and I trust it will be my last effort; it will therefore, I hope, be pardoned me by those noble persons, if in the exposition of some new turpitude, I sometimes gave way to the expression of feelings in words, perhaps more remarkable for the strong signification of the idea, than the elegance or beauty of their selection. It will, I think, be allowed, that I have traversed through ways new and unknown to me, and if I have designated the leading places in my road, by harsh and coarse sounding appellations, those only are to be condemned who went before, and first affixed the uncouth and unseemly epithets\*.

One word more, and I have done.

The variety and correctness of the information contained in this book, may lead some to imagine, that Colonel Picton may have been connected with me in its composition. I

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\* One specimen will suffice.—“The most atrocious malefactor (including to Colonel Picton,) who ever disgraced the English name and character, invested with any portion of public authority.”

Vide page 90, of Mr. Fullarton’s first quarto.

think proper therefore to say, that I never have communicated with him on the subject, that I have never shewn him a single page of it; and as to his lawyers or legal acquaintances, I flatter myself that the work bears sufficiently strong *internal evidence*, that their advice or information has in no instance been ever asked or resorted to.

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*As the last sheet of this Address was printed off, the author learned that Colonel Picton had printed the depositions so often quoted in this work, with a letter addressed to Sir Samuel Hood, K. B. He assures the public, that the coincidence in the time of appearance of both publications, is entirely accidental, (Colonel Picton having never intimated to him his intentions.) The circumstance of the publisher being the same, is equally accidental; another publisher having been originally employed to print and publish his work; which, however, in the course of it, the author thought necessary to change. He conceives it extremely fortunate for his statement, that the public have now an opportunity to recur to a printed copy of the whole of that evidence.*

*April 21, 1806.*

TO

## THE BRITISH PUBLIC.

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\* “A clear unblemished character comprehends not only the integrity that will not offer, but the spirit that will not submit to an injury ; and whether it belongs to an individual, or to a community, it is the foundation of peace, of independence, and of safety. Private credit is private wealth, public honor is security. The feathers that adorn the Royal Bird support his flight; strip him of his plumage, and you fix him to the earth.”

JUNIUS.

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I PREFACE my address to the PEOPLE OF ENGLAND with this short but strong declaration, that if there be one *respectable* or *honorable* man in the kingdom, who will convict me of having wilfully misrepresented, nay I will go further, of having exaggerated, or extenuated any of the facts which I shall think it my duty to bring forward in the following statement, I do here solemnly pledge myself publicly to acknowledge my mistake, and to make atonement for my error, by a full and unequivocal recantation.

To persons of any other class, or character, I have resolutely determined never to make

the smallest reply ; and as to those who may choose to come forward in the way of anonymous defenders, I shall make this observation, which I hope they will bear in mind, and not lose sight of, that as I never shall state any important fact on *my own authority*, nor adduce any remark in which I shall not be supported by evidence of *unquestioned integrity*, I shall therefore take no notice whatever of any replies or observations, however daring, however plausible, or however ingenious, that do not come fortified by evidence and authorities of equal respectability to those which I shall myself adduce. It was my original intention to have confined, as it was my right so to do, this privilege to those only, who like myself, affix their names to their publications. But with a confidence of the strength, the rectitude, and honor of the cause which I take up my feeble pen to defend, conscious of my perfect knowledge of that case, I here enlarge the limits of the privilege, and I re-assert, that if any anonymous person chooses to enter the lists, and *fortifies his assertions by evidence and authorities of equal respectability* to those which I shall adduce, I here engage to answer him. But in no other case shall I ever write a single line, or take the smallest notice of what may be printed, or published.

Insub mitting this appeal to the British public, I claim the allowances due to a soldier, who having served in different situations, in different countries, and in different climates, and; who, in discharging the duties of those stations to which he was called, has had few opportunities of applying himself to literary pursuits, or cultivating a taste for classical erudition; of my learning therefore I say nothing, and I purposely do so, because most thoroughly conscious of my deficiencies: indeed I am quite certain, that the informed reader will have perceived even before he shall have read the sentence which I now write, that syntax and prosody have not been my favorite studies, and that I am unskilled in the knowledge and beauties of composition. I solicit indulgence however on this score, (not that I do not consider it in some measure the duty of any man who addresses the public, to dictate his sentiments not only in the language, but in the style of a gentleman, who certainly ought to be a scholar,) but that engaged in a military course of life, it has not been in my power to attend to those departments of literature, which serve to polish the style to purity and perfection, and which give an interest to a writer's narrative, which a

person, unqualified as I am in these respects, cannot hope to attain. I never should have offered these remarks or observations, if upon reflection I were not fully convinced, that the momentous subject on which I have now resolved to address the British Empire, did not imperiously call upon me, as a man, as a friend, and I shall add, "last but not least," as a soldier, who has the honor of his king and country sincerely and unaffectedly at heart, who has given indisputable proofs of the loyalty and zeal with which he is, and ever has been animated, and who is now actuated by the purest intentions both to the honor of the service, and the welfare of his country, to give a full, and impartial statement of *a question*, which, if either mistaken or not thoroughly understood, may in one moment eclipse the reputation, totally blast the hopes, utterly destroy the fortune, and break the spirit of *any officer*, who in similar circumstances, may not possess the extraordinary fortitude of mind, the firm constitution of body, and the large pecuniary assistance of friends, which the subject of the present address, Colonel Picton, has fortunately for himself, and eventually, I trust, for the interest and honor of the British army, shewn himself possessed of on this most novel and most trying occasion.

These are my motives and reasons for undertaking the task which I have assigned to myself; they will be quite sufficient, I am certain, to the mind of every generous, and liberal man; but for another class of persons, for those whose heads are better than their hearts, and for those who I hope form a more numerous class in society, and require that their information should be enlarged as well as their hearts expanded, for those two classes I have another and a different answer, which my work will, I flatter myself, bear me out in giving them, with that confidence which a laborious, unwearied, and impartial application to the subject should inspire; it is this, that feeling and believing that I understand this case, that is, as far as an Englishman can be informed upon a subject foreign to the pursuit perhaps of the most studious scholar, or the most generally informed man in the kingdom, I hope to be able so to dispose my matter (for argument, as the question stands, I shall not have very great occasion for,) as to render the question intelligible to every man of common sense, or discernment. This is all I aim at; my reflections shall be short, and concise; I intend nothing more than giving to the public just and honest information, leaving it to that public to

make its own deductions with the impartiality, generosity, and candour, which certainly characterize the *ultimate* decisions of the great mass of the BRITISH NATION,

It is idle to say, or to wish that the subject had been taken up by abler hands; I am satisfied that to be discussed, and discussed perhaps by some persons of the best talents and information in the country, the business requires only that it should be publicly known, and *understood*; at present it is known only to be misunderstood, and misrepresented. As for myself, I shall not be discredited when I say, if I conceived that abilities, mean perhaps and moderate as mine are, could be of the least disservice to the cause of Colonel Picton, I should never have hazarded the character of a sincere, but incatious friend; I have well weighed the ground on which he stands, and with every consideration of friendship, of prudence, with a minute and scrupulous attention to the whole of his case, I have ventured this publication to the people of England, firmly and confidently relying on the sentence which they shall pronounce upon it.

Having thus announced my intention to discuss a point of Colonel Picton's administration, the consequences of any ignorance, or any misunderstanding of which may be, as I have before said, in one moment fatal to the peace of mind, to the future hopes, or the private fortunes of *any officer*, who may find himself placed in similar circumstances, I consider it totally unnecessary to enter into any account of the opportunities I have had of obtaining information upon *that particular point*. I do assert that on this question "Whoever runs may read;" the authorities which I give are in a great measure open to any gentleman, who will take the trouble, as I have done, of looking into them. But where I speak of the *general conduct* of Colonel Picton during his arduous command, as Governor and Captain General of Trinidad, it may, in *that case*, be right and proper to inform the public from what sources or opportunities of information I derive my opinions. I think it requisite therefore to state, that I was appointed by the late Lieutenant General Grinfield Commander of the Forces in the Windward and Lee-ward Charibbee Islands, &c. to the confidential situation of Military Secretary, that I attended him to that country, and during the performance of my duties in that depart-

ment, I had the satisfaction of accompanying him to Trinidad on a military inspection of that Island: I afterwards had the honor of accompanying him on the different successful Expeditions which took place during his command, (in which Colonel Picton had a distinguished share,) and was selected to bring home the dispatches announcing the conquests achieved under his orders, which procured me the rank of Major in the Army. There is no officer in the service, I will be bold to say, who is not well aware of the various opportunities which the situation of Military Secretary presents, of attaining correct information on every subject connected with the whole range of military Duties in the West India Islands; the knowledge, both local and general, of place and position; the account, both personal and epistolary, of persons and circumstances; in short, it embraces in its range the comprehensive extent of every transaction occurring in every part of this widely extended Archipelago, and presents to the curious or inquisitive mind not only the best opportunities for knowing the *present* transactions, but by connecting him in close relation with all those persons who have preceded him in many high official Departments, affords him the surest means of ascertaining with

truth and exactness, the history of every preceding business, which from any motive he may be tempted to examine. What use I have made of these advantages in increasing the stock of my information as an officer, it would be most unbecoming in me to say: I have not failed in diligence; on that ground, my recollections afford me much satisfaction. The invaluable connexions I had the opportunity of forming there, are my prime sources of pleasure; and if I may be permitted here to indulge this pleasing reflection, the liberal reader will surely pardon me, when he learns, that it was by my official situation in the West Indies I had the happiness to become acquainted with the distinguished subject of this letter, that it was through that dear and honorable connexion that I am called to raise my voice in a cause, which adds to the character of every man who takes a part in it's defence, and that through the same channel I had the honor of associating myself in friendship with names, that will live in the hearts of the people of England, and in its history for ever, with Major General Frederick Maitland, and Sir Samuel Hood, and many others, whose lives and whose deaths have formed examples truly worthy of the imitation of every British Officer.

## STATEMENT.

Colonel Picton entered the army in the year 1771 as an ensign in the 12th regiment of foot: he served in Gibraltar under Generals Sir Robert Boyd, and Lord Heathfield, from the year 1773 to 1778. He got his company in the 75th regiment, of which his uncle, General Picton, now a full general in the army, was then colonel, and to whom, his Majesty, in the most gracious manner, and without the smallest solicitation on the part of the general, or I believe, any expectation of so distinguished a mark of royal favor, gave the colonelcy of the 12th regiment, with this most distinguished proof of royal approbation when he went to court to kiss hands on his appointment. For the honor of the Sovereign it should be recorded, and I trust that General Picton will pardon me for inserting it without his approbation. The Sovereign, on the general's approaching him said, "General, do you know to whose recommendation you are indebted for the colonelcy of the 12th regiment? The General bowed to the Sovereign in his usual dignified manner, " To Captain

Picton of the grenadiers of the 12th regiment, for his gallant conduct in Germany."\*

Colonel Picton remained a captain for the long period of sixteen years, from 1778 to 1794. In 1783 he commanded the seventy-fifth regiment, then quartered in Bristol, and by an intrepidity of conduct, and a daring resolution of mind, which on every perilous emergency mark the character and features of superior men, quelled a mutiny which broke out in that regiment, and which from the complexion that it assumed in the very short space of time that his determined courage permitted it to subsist, promised the most disastrous consequences. For this noble example of a true military spirit, he received the royal approbation through the then commander in chief Field Marshal Conway.

From the year 1783, when his regiment was reduced, Captain Picton remained on half pay until the year 1794, and resided chiefly

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\* The General's masterly disposition of a small detachment, which he then commanded, as captain of the 12th Regiment, was particularly noticed by Prince Ferdinand when he visited his post, and being reported by the Prince in high terms of commendation to the Commander in Chief, it was immediately put into general orders.

in Pembrokeshire in Wales, where his ancestors, an ancient and most respectable family, had long lived in the esteem and affection of a numerous circle of relations, friends, and acquaintances: for the character which Captain Pieton left behind him in that country, I appeal to every man that knew him. His enemies are numerous, it is for them to ransack that period, and to produce *one instance* of conduct private or public, unbecoming the character of a gentleman. In the year 1794, tired of inaction, and zealous for service, while yet a half pay captain, he embarked for the West Indies, trusting to his fortune and his conduct for that promotion, to which a period of sixteen years with the rank only of captain certainly entitled him. Here he was soon distinguished by a great natural superiority of mind and information, and Sir John Vaughan, who then commanded in chief in the West Indies, gave him a majority in the sixty-first regiment. He also made him his confidential aide de camp, and having now a closer opportunity of discerning his activity of mind, and talents for public business, he appointed him deputy quarter master general, (by which situation he obtained the rank of lieutenant Colonel) and in

which department he acquitted himself with the greatest credit and honor, as Major General Frederick Maitland, (and can I adduce a higher character and authority) has often testified, until the arrival of that most virtuous and distinguished officer Sir Ralph Abercromby in the West Indies in the year 1796. Colonel Picton was continued at the head of the quarter master general's department, and was called upon by General Leigh, who commanded in chief in the West Indies when Sir Ralph arrived, to attend him to meet general Abercromby at head quarters at Bridge Town, Barbados. Being however superseded in his appointment by General Knox, who came out before Sir Ralph, he intended to return to Europe, but was requested by the commander in chief to remain, hoping, as he very graciously expressed it, "to give him an opportunity of returning in a way more agreeable to him," if he would remain the campaign. This invitation was too flattering not to be immediately accepted, and he embarked with him on the expedition against St. Lucia, where the general signified in public orders, "that all orders coming through Colonel Picton, should be considered as the orders of the commander in chief." On the capture of this island, the general

without any solicitation whatever, recommended him for the lieutenant colonelcy of the fifty-sixth regiment. From St. Lucia Colonel Picton sailed with Sir Ralph on the expedition to St. Vincents, which was taken by storm. Upon the conclusion of this short but brilliant campaign, Colonel Picton went with Sir Ralph to Martinique, and from thence to England, where they arrived together in September 1796.

Sir Ralph again sailed for the West Indies in November of the same year, attended by Colonel Picton, and arrived in Martinique in the latter end of January 1797. The expedition against Trinidad being at this time determined on, the armament sailed for that island in the following month, and the conquest of the Colony being completed, Colonel Picton was, without any recommendation, or even the least previous notification, appointed by the commander in chief to the government of that island in general orders; and when he waited on Sir Ralph to return his acknowledgments, the answer of that great man is worthy of being recorded: it was, "Colonel Picton if I knew any officer, who in my opinion would discharge the duties annexed to this situation better than you, to him

would I have given it: there are no thanks due to me for it."

I have judged it right and necessary to take this short review of the military career of Colonel Picton, and of the rise and progress of his connexion with Sir Ralph Abercromby, a character, which, for the practice of every public and private virtue, ranks so high in the estimation of mankind, that I shall not diminish the little place I hold in the literary world, by presuming to add one shade more of colour to that already highly finished picture. It is enough for my present purpose and the honor of Colonel Picton, that it should be known to the world, that he lived in the remembrance of that immortal name to the hour of his glorious death, as appears by a letter which the colonel received from him in his way to the last scene of his triumphal career.

Before I proceed to the immediate subject of my letter, I conceive it also necessary to state to the British public, a few of the public acts of Sir Ralph Abercromby before he left the island of Trinidad. This is indispensable to their rightly understanding the proceedings which were subsequently taken, and built upon those

acts of His. It is known, I believe to every man in this country, that the island capitulated leaving the terms to the conqueror. Sir Ralph was a wise man, and an acute judge of human nature, as well as a great officer; he had previous information of the kind and class of people of which the island was composed; his instructions from his Majesty's government on this point, I believe, ran thus:

### EXTRACT.

“ THE Island of Trinidad is pointed out as the source of great mischief to the British Islands, being a shelter for privateers who annoy their trade, and affords *an asylum for bad people of every description*, who man the privateers and row boats, which make depredations upon the coasts, carrying off slaves and property: it is therefore recommended to Sir Ralph Abercromby, if he can collect a sufficient force without exposing the British Islands, to make an attack upon Trinidad, and if the force he can spare should not be sufficient to *keep possession* after he has taken it, to make the attack notwithstanding, *for the purpose of destroying or carrying away all military stores*

*"and arms that he may find there, and to seize  
"upon, and to send to England, the Brigands  
"and mischievous people who have made that  
"Island their home."*

In his conduct and demeanor to a population so strongly described and characterized as it is here by the government instructions, and in obeying the dictates of his own humane heart, Sir Ralph well knew, that capitulatory terms bearing such broad and incontrovertible features of generosity and magnanimity, as could neither be misunderstood nor misinterpreted by the meanest person in the island, were the surest mode of securing the confidence and permanent submission of all classes of the inhabitants, he therefore issued a proclamation on the landing of the troops, in which he granted them gratuitously, and without any stipulation whatever, the exercise of their own laws, and the institutions that subsisted previous to the surrender. This was his *first act*.

From the weakness of the former government, accustomed to little else than to divisions and duplicity, the vices of chicanery and corruption prevailed to an enormous extent in the different courts of judicature, and individuals

had found it so ruinous to apply for justice even in affairs of the most simple nature, that the execution of the laws had been nearly suspended for twelve months before Sir Ralph Abercromby's arrival. I have pledged myself to refer my readers for any important fact which I state, to unquestionable authority; the sources of this information are, Messrs. Lynch, Farfan, Begorrat, and St. Pé, all magistrates, and planters of high respect, who had lived in the colony for many years before the capture, and who have deposed upon oath to this effect. Sir Ralph, for the short time that he remained in the island, was beset by a croud of complainants, and importuned with representations of the base and corrupt practices of the *assessor*\* of the former government, which being proved on a

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\* As mention is frequently made in the course of this narration of the alcaldes, escrivanos, and assessors, it may not be improper to give some idea here of their respective duties.

The Spanish courts of justice consist of the tribunal of government composed of the governor and his assessor, and the tribunals of the senior and junior alcaldes in ordinary, both of equal jurisdiction.

rigid examination of the facts to be but too true, the Commander in Chief came to the resolution of annulling that office *in toto*, and an English gentleman, Mr. Nihell, who had filled the situation of *alcalde* of the first election, who perfectly understood the Spanish language from a residence of many years in the colony, being recommended to him as a fit and proper person to fill a judicial situation, he *created* him chief judge of the

The office of **ALCALDE SENIOR** and **JUNIOR** is contra-distinguished from that of an English justice of peace, by his carrying on all processes, civil and criminal, to the definitive sentence, with the assistance of an **ASSESSOR**, but which sentence he is not empowered to execute without the decree and signature of the **governor**, who is called **supreme judge**.—He is sometimes called **JUDGE LEGO**, as not being of the profession of the law.

An **ESCRIVANO** is a public scrivener, whose attestation is requisite to all public decrees, or definitive sentences in judicial procedures, and to all public instruments of writing whatever.—Their offices are the depositaries of the public records.

An **OFFICIAL ASSESSOR** is a graduated advocate appointed by government to accompany the ordinary judge in his decisions and sentences, and whose signature relieves the judge from all kind of responsibility.

island; an office never before known in the country, and he drew up with his own hand a code of instructions by which he was to govern himself, and of which the following is a correct copy. To those instructions I beg my reader's most particular attention.

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### INSTRUCTIONS.

“ General Sir Ralph Abercromby, K.B.,  
 “ Commander in Chief of his Ma-  
 “ jesty's Forces in the windward  
 “ and leeward Charibbee Islands, &c.  
 “ &c.

J. Nihell,  
 Esq. ap-  
 pointed  
 Chief  
 Judge.

“ The island of Trinidad having submitted  
 “ to his Majesty's arms, by the power  
 “ and authority vested in me, by these pre-  
 “ sents I nominate you John Nihell, Esq.  
 “ to be Chief Judge and Auditor\* (during his

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\* The offices of chief judge and auditor were distinct, and had no relation to each other, although the general here unites them. The office of auditor was also distinct from that of assessor; it had no judicial functions, notwithstanding both were held by Don Juan Jurado, assessor to the former governor.

" Majesty's pleasure) over all and every part  
 " of the said island, and you are hereby re-  
 " quired and commanded to perform and ex-  
 " ecute all manner of things appertaining to  
 " the aforesaid offices, conformably to the in-  
 " structions and powers you shall receive  
 " from me through the Lieutenant Colonel  
 " Picton, whom I have appointed governor  
 " of the said island; *and whose instructions* Appointed  
 " *and powers are to be considered of equal*  
 " *force as if given under my hand.* And as  
 " there was no stipulation (in the capitula-  
 " tion) in favor of the Spanish laws in  
 " the administration of justice, and as they  
 " were merely continued by my circular let-  
 " ter to the commandants of quarters, ma-  
 " gistrates, &c. in order to avoid the con-  
 " fusion which might result from too strict  
 " an adherence to the forms of that jurispru-  
 " dence, under an English government, you  
 " will receive particular instructions from Lieu-  
 " tenant Colonel Picton explanatory of my in-  
 " tentions.

To obey all  
orders com-  
ing through  
Lieutenant  
Colonel  
Picton.

Appointed  
Governor.

Spanish  
laws con-  
tinued by  
Sir R. Aber-  
cromby's  
circular let-  
ter, &c.

Special au-  
thority to  
depart from  
the forms of  
the Spanish  
law.

" And as I have judged it expedient to Suspension  
 " suspend from his employment, the Assessor of the as-  
 " General, and not to name any one to fill sessor gene-  
 " the office. ral, and of

Instructions to proceed without an assessor. Judgement awarded without an assessor, though contrary to the Spanish law, to be notwithstanding valid.

" that office in his stead, you are ordered  
 " to proceed in all causes, whether civil, or  
 " criminal, without any assessor, although it  
 " may be contrary to the form and spirit  
 " of the Spanish laws. And I hereby declare  
 " that all sentences given and signed by  
 " you without the accompaniment of an Asses-  
 " sor, shall have the same force and validity as  
 " if they were so accompanied, and shall be  
 " executed in the same common and ordinary  
 " form.

Directions to shorten and simplify proceedings.

" And as I have received serious complaints  
 " of the extortions practised by the exactation  
 " of excessive fees, and the malapplication of  
 " useless and unnecessary proceedings in the  
 " administration of justice by the escrivanos,  
 " attorneys, &c. You are hereby required  
 " to shorten and simplify the proceedings, and  
 " to terminate all causes in the most expedi-  
 " tious and least expensive manner that the  
 " circumstances of them will admit, accord-  
 " ing to the dictates of your conscience, the  
 " best of your abilities, and conformably to  
 " the instructions you shall receive from Lieu-  
 " tenant Colonel Picton, although it should  
 " be contrary to the usual practice of the

" Spanish government. And I also give you  
 " full power and authority to suspend from  
 " their employments all escrivanos, attorneys,  
 " or other officers who shall be guilty of  
 " extortion, contumacy, or contravention of  
 " your decrees.

Authority  
to punish  
officers of  
the courts  
for extor-  
tion, &c.

" In all civil causes the parties are to be  
 " allowed an appeal from your tribunal to  
 " the King in council, when the matter in  
 " litigation exceeds 500*l.* sterling. And in  
 " all criminal causes the appeal is to the  
 " Governor; and no sentence to be executed un-  
 " til approved of by him.

In criminal  
causes the  
appeal to  
the govern-  
or who con-  
firms all sen-  
tences.

" Given under my hand and seal in the  
 " Port of Spain, island of Trinidad,  
 " this first day of March, in the year  
 " 1797.

(Signed,)                            " R. ABERCROMBY.

" By order of his Excellency,

" FREDERICK MAITLAND,  
" Secretary."

This was the second important act of the Commander in Chief, all the other arrangements being subsidiary, and of a secondary nature: Sir Ralph sailed for Martinique, leaving Colonel Picton in the possession of his arduous government. I shall now very briefly mention the general state and population of the island at this period. From the accurate survey and map given by Mr. Mallett, it appears that the total population of the island in 1797 amounted to 17,718 persons, of which number 9,151 were white people, English, Spanish, and French; 4,476 were Mulattos, or as they are called people of color of different countries, French, Spanish, &c.; 10,009 slaves; and 1,082 Indians.

The proportion of whites, as follows,

English.....	610.
Spanish.....	505.
French.....	1,036.

In 1801, the population had increased to 24,239, and in 1802, the year before Colonel Picton left the settlement, it had increased to 28,477; 9,261 of whom were white people, 5,275 free colored people, 19,709 were slaves, and 1,232 Indians.

I have now stated from the best authority the amount of the population, and the proportion which the numbers of Spanish, French, English, Mulattoes, and Slaves bore to each other at the periods when Colonel Picton assumed, and relinquished the government. I have also already stated the character which the Commander in Chief received of this mixed population from the most authentic of all documents, the instructions of the English government (vide page 16,); and to evince how well founded this description was, and to shew from the most irrefragable proofs the *kind* and *quality* of his Majesty's new subjects in Trinidad, whom the Commander in Chief had given over to the government of Colonel Picton. I annex a document which no man can object to; it is an extract from the laws of Grenada passed in 1784, vol. 3; page 232.

### EXTRACT.

"An act for apprehending suspected persons *coming from Trinidad.*" Preamble.  
"Whereas the scandalous practice of carrying off slaves by persons who have mortgaged

the same, or who are otherwise largely indebted, and the stealing of slaves out of the legal possession of others, have been of late years frequent, and proved ruinous to particular creditors, and injurious to the general credit of this colony. And whereas the persons guilty of such robberies and frauds have found, and continue to find a refuge and asylum in the island of *Trinidad* for the slaves so taken away, and all applications made to the governor of that island, or to the court of Spain, have hitherto proved fruitless.

Again, same act, clause 8. is the following preamble, ' And whereas some persons have come from *Trinidad* and lurked in these islands, for the purpose of seducing and carrying off slaves, and other persons residing in *Trinidad* have sent artful negro or mulatto slaves for the like purpose, and it is but just and reasonable to proceed with the greatest rigor, against those who reside on the very spot which holds out a retreat for fraudulent debtors, and stealers of slaves, and where no redress or justice can be had? It then enacts, That persons coming from *Trinidad* shall give bond on their arrival in 1000*l.* sterling, to be

of good behaviour; and if such bond is not given, such person to be declared a *vagabond*, and without any other proof than that of usual or frequent residence in *Trinidad*, to be committed to goal.' The same act also enacts that 'if any slave reputed to belong to persons residing in *Trinidad*, shall not procure security, he shall be whipped and sent to gaol for six months, and the bonds of masters of domestics coming from *Trinidad* to extend to secure the good conduct of such domestics.'

In a previous act, passed in March 1784, to render process in chancery effectual, it recites 'Inasmuch as many mortgagors, and other necessary parties to suits have for many years past escaped to *Trinidad*.'

The first act is still in force, and *Trinidadians* of any description, going to *Grenada*, are liable to be apprehended as *vagabonds*.

The reader has now before him, from sources totally unobjectionable, an account of the number, the proportions, the kind and quality of his Majesty's new subjects of the colony of *Trinidad*. He has also had pointed out to him, the two measures which may be consi-

dered of prime importance executed by the Commander in Chief, before he left the island, that is, a proclamation granting the conquered people their ancient laws and institutions, and secondly, the suspension of an indispensable and indeed vital office, or officer in the old and former government, I mean the *Assessor*, and the creation of a new and unknown office, that of Chief Judge, with extraordinary powers, in the person of Mr. Nihell, (vide page 20)

I now come to the acts of the government of Colonel Picton, but before I proceed to point out any of the first steps of his administration, I shall give the state of the military force which he had to preserve the order and peace of the new establishment. I take this from the monthly state given in at the Commander in Chief's office, dated September 1, 1797.

	Fit for Duty.
57th Regiment.....	269
Detachment of Hompesch's or foreigners.....	131
Ditto of Soters French negroes.....	98
	—
<b>Total</b>	<b>498</b>

Vide Monthly State, Appendix, No. 17

There was no militia at the time.

## COLONEL PICTON'S GOVERNMENT.

GENERAL Sir Ralph Abercromby sailed from Trinidad on the 28th February 1797, and on the first of March Colonel Picton assumed the reins of government.

The state and condition of the Island, thus surrendered to his power and protection at this period, cannot be better described than by giving a copy of an Address which was presented to him on the fifth day of April following, and signed by a great majority of the most respectable inhabitants of all nations.

### ADDRESS.

*To his Excellency Thomas Picton, Esq. Governor and Commander in Chief of the Island of Trinidad, &c. &c.*

“ May it please your excellency,

“ The last governor of this colony for his  
“ Catholic Majesty, perhaps too much occupied

" without pity on the most trifling discussion,  
 " like a victim fattened till then only for that  
 " purpose ! In short, who can deny that the  
 " disorder in this point had increased to such  
 " a degree, that a man destitute of employment  
 " or property might attempt any thing against  
 " a proprietor, because the latter, convinced be-  
 " fore hand of the usurpation of part of his  
 " property, and of the loss of the remainder  
 " by the excessive costs of justice, would have  
 " rather submitted to the most violent assaults  
 " in his house and person, than have offered  
 " any resistance to them.

" SUCH WAS THE DISMAL BUT FAITHFUL  
 " PICTURE OF THE COLONY AT THE PE-  
 " RIOD OF ITS CONQUEST ; and that peace  
 " which it enjoyed (which alone had contri-  
 " buted to attract that multitude of exiles  
 " who had been forced to fly from the civil  
 " wars which raged in the neighbouring is-  
 " lands) that peace of which they so highly  
 " applauded the advantages, was sold to us at  
 " the price of being devoured in the den of  
 " chicanery, if any difficulty obliged us to  
 " have recourse to justice, whilst our adminis-  
 " trators, in their dispatches to the court of Ma-  
 " drid, attributed the rapid and unexpected in-

"crease of population to the effects of a wise  
"and virtuous administration.

" We have not thought necessary to give  
" your Excellency a detail of the numerous acts  
" just mentioned. You were ~~not long~~ at the head  
" of this government without obtaining a perfect  
" knowledge of them, in consequence of the ne-  
" cessity imposed upon you to pursue the affairs  
" of justice already commenced. What was your  
" astonishment on beholding such infamy, and  
" how often have you expressed your indigna-  
" tion thereon? Yes Sir, we will say, that pene-  
" trated with the misfortunes of several persons  
" who could not escape the claws of these vul-  
" tures, your Excellency wished to relieve them;  
" but how could it be effected? If with that in-  
" tent you are obliged to have recourse to several  
" of the same men of whom we complain, whose  
" interest it is to support each other, and to bury  
" in darkness what we are desirous of making  
" known to the world.

" The zeal and anxiety which your Excellency  
" has manifested for the good of this colony, can  
" only meet with the success you so well deserve,  
" by assenting to the request that we now presume

“ to make, for the establishment of a superior tribunal erected in the following manner, or in  
 “ any other that your excellency may judge most  
 “ expedient.\*

“ Signed by a great majority of the  
 “ respectable Inhabitants of all Na-  
 “ tions.”

Colonel Picton was but six weeks in the administration of his government, when this Address, with the plan and proposition annexed, was presented to him. Those who have the pleasure of knowing him, I believe, very generally allow, that he is a man of great natural talents, with a keen, penetrating, and discriminating power of mind; but notwithstanding his abilities, it was impossible for any man, however endowed, to comprehend in this short period the whole circle of his various duties; He was however skilled in the Spanish language, and was therefore capable of conversing with such persons as he conceived most qualified for giving him correct and useful information.

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\* The plan proposed in the Address follows this in the original, but being quite foreign to my purpose, I have not inserted it.

What is that sensible step which any cool, reasonable, and dispassionate man would take in such a conjuncture? the direct answer is, consult with those men who are best fitted, from their characters, age, circumstances, and abilities, to advise you.

There was at that time living in the colony an old gentleman of the name of Don Christoval de Robles, who, for nearly half a century, had filled, with high reputation for honor and integrity, the principal situations in the administration. This gentleman was recommended to Colonel Picton as a man of all others the most capable of directing his efforts for the good of the country, and of giving him a faithful and correct account of its internal situation. Colonel Picton sought his information with avidity, and I give from the original paper presented by Colonel Picton to the Committee of the Lords of his Majesty's most honorable Privy Council, the substance of the information and advice which that respectable and revered gentleman gave to him on their first interview. It is for its particular purpose an authentic document which no honorable man can question.

DON CHRISTOVAL DE ROBLES' RECOMMENDATION TO COLONEL PICTON.

" AS you have done me the honour of consulting me, I will give you my honest and candid sentiments on the situation of this colony.

" The population is mostly composed of refugees and desperate characters who have been implicated in the rebellions and massacres of all the neighbouring islands; their principles are incompatible with all regular governments, and their inveteracy to your nation is irreconcileable. The timidity of the former government suffered their crimes to pass unpunished, and at your arrival they were actually masters of the island. You may judge of the numbers capable of bearing arms, by the application of the French Consul to the governor on the appearance of the British fleet, when he offered him the assistance of 3000 republicans, which (not being inclined to make any resistance) he thought proper to decline.

" To those you may add the Spanish peons or people of colour, a set of vagabonds who casu-

“ ally come over from the continent, and who  
“ are ready to join in any disorder that affords a  
“ prospect of plunder, and a great proportion of  
“ the slaves who have been sent here from the  
“ other islands for crimes dangerous to their safety.  
“ These people are now apparently quiet ; but  
“ they are the more dangerous as they are only  
“ waiting for a favourable opportunity to show  
“ themselves. They are studying you and your  
“ garrison. A considerable portion of your troops,  
“ if one may draw a conclusion from their con-  
“ versation and conduct, are not well affected,  
“ and may be easily seduced, and those people  
“ will leave no means untried to effect it. If  
“ you do not give an imposing character to your  
“ government before the climate diminishes the  
“ number of your soldiers, your situation will  
“ become alarming. If those men do not fear  
“ you, they will despise you, and you may ea-  
“ sily foresee the consequences. They have been  
“ accustomed to a timid and temporising govern-  
“ ment ; a few acts of vigor may disconcert their  
“ projects : but perhaps you expect some co-oper-  
“ ation from the magistrates and tribunals : allow  
“ yourself no longer to be deceived ; there is not  
“ a sufficient confidence in the duration of your  
“ government to induce any one to commit him-  
“ self by a vigorous application to the law. They

" are all apprehensive of returning under the do-  
" minion of their old masters, and will be careful  
" not to expose themselves. They are besides  
" people of weak and timid characters, from  
" whom no energy can be expected. There is  
" but one line of conduct by which you can ex-  
" tricate yourself from all these difficulties. The  
" circumstances of the conquest have virtually  
" combined in you the whole power of the go-  
" vernment. You are supreme political, crimi-  
" nal, civil, and military Judge. You unite in  
" your own person the separate powers of the  
" Governor, tribunals, and royal audience of ca-  
" raccas: our laws enable you to judge summa-  
" rily, without recusation or appeal. Circum-  
" stances like the present have been foreseen by  
" our lawyers, who have provided remedies equal  
" to the occasion. You are not shackled by  
" forms or modes of prosecution. If you do sub-  
" stantial justice, you are only answerable to  
" God and your conscience."

Such was the language of advice and recom-  
mendation given to Colonel Picton by this ex-  
perienced and informed gentleman. The for-  
mer had acquired sufficient knowledge of the  
persons he had to deal with not to see its pro-  
priety, and accordingly he acted upon it. Some

transactions which occurred in the island soon afterwards, connected with the principle of advice recommended by Robles, and which have been made the ground of obloquy and accusation by certain person or persons in this country, it is quite foreign to the purport of this letter to enter upon; it is however proper to state, that General Sir Ralph Abercromby returned to Trinidad, after the expedition to the island of Porto Rico, in the month of June following, *subsequent* to the period when most, if not all those transactions alluded to, had taken place, and after being fully informed of every thing that had occurred in the colony since his departure in February, he was pleased to express his entire and complete approbation (I know the fact) of Colonel Picton's conduct in the strongest terms, and he accordingly, in his succeeding dispatches, recommended him to His Majesty's Ministers, as an officer in every respect qualified to fill the important situation of Governor of the islands.

I have gone more at length, and may appear to have detailed, with more minuteness than the *immediate object* of this letter would seem to require, the proceedings of the early part of Colonel Picton's administration, and of his connexion with, and services un-

der Sir Ralph Abercromby. It serves however two very important purposes; it *proves* first, that the acts of Colonel Picton, which have been branded as cruel, unjust, and tyrannical by some interested and malevolent persons, were not only not considered so by that great officer, but that he had, after a second visit to the colony, and upon a minute inspection of all the proceedings which had taken place during his absence, pronounced the highest eulogium in the power of a commander in chief to bestow, by a warm and anxious recommendation of Colonel Picton to the protection of the Sovereign. It proves, in the second place, what is more to the *particular subject* of my statement, that the basis, or superstructure, upon which all the proceedings, which have since become subjects of public and judicial investigation, was laid by that illustrious officer, and whatever aberrations Colonel Picton might have, in *foro conscientiae*, thought proper to make from the usual or general forms of civil or criminal processes, that he was fully, completely, and substantially borne out by the advice and example, and by the large discretionary powers and authorities given to him in the commission and instructions granted to Judge Nihell, which I have already laid before my readers.

I have not taken up my pen to examine the whole of the conduct and proceedings of Governor Picton for the seven years during which he had the honor of presiding over the colony; nor is it my intention to make any application of the extraordinary powers with which he was armed by the above instructions to any particular case; the duty which I have imposed upon myself lies within a much narrower compass; but although I have not considered it within the limits of my obligation to do this, and have accordingly narrowed my investigation to one particular point, yet I have considered it highly necessary to state the *general* instructions by which Colonel Picton was directed to guide himself, as the most satisfactory proof of the caution, the moderation, the wisdom, and high respect which he paid even to the most punctilious *forms* of the laws which he was directed to administer; by shewing, that notwithstanding the extent of those discretionary powers, unknown and unparalleled as they were in this respect, they did not, in the smallest instance, nor in an omission even of the most minute and scrupulous form, either influence his judgement, or actuate his conduct in that extraordinary case, which it now becomes my province to detail to the public, and which forms

the leading subject of this letter; I mean the *Trial and Punishment of Louisa Calderon*, for the robbery of her keeper and master, Pedro Ruiz, of 2000 dollars, or 450*l.* sterling.

## CASE OF LOUISA CALDERON.

IT is sufficiently known to the British public, that in the year 1802, during the administration of Lord Sidmouth, the government of the island of Trinidad was, as it is technically called, "put in commission," that is, in plain language, three persons were selected by His Majesty's Ministers to fulfil the duties imposed upon them by that commission. I cannot better explain the motives by which His Majesty's confidential servants seem to have been actuated in resolving upon what appeared to the generality of the public at that time a novel measure, than by copying the words of the Right Honorable the Earl of Buckinghamshire, then Lord Hobart, and Secretary of State for the Colonial Departments, in his letter to Colonel Picton, dated July 9, 1802, when he first officially communicated to him the account of the determination of Ministry upon the adoption of that measure. It is as follows :

" The sentiments expressed in your letter  
" of the 14th December last, on the subject of

“ the future constitution of Trinidad, are so  
“ perfectly in unison with those entertained by  
“ His Majesty’s Ministers, that you may rest  
“ assured it is not intended to establish in that  
“ island, the form of legislature existing in the  
“ Old West India Colonies, until the situation  
“ of it be such as to afford a reasonable ex-  
“ pectation, that the measure would be advan-  
“ tageous to the real interest, both of the island  
“ itself, and the mother country. The impor-  
“ tance of this object has not failed to arrest  
“ the particular and attentive consideration of  
“ His Majesty’s Government, and *in order that*  
“ *they may be enabled to form a determination,*  
“ *founded on the best grounds of intelligence*  
“ *and information, that can possibly be obtained,*  
“ *His Majesty has thought it expedient to place*  
“ *the government of the island in commission,*  
“ *judging, that from the union of civil, military,*  
“ *and naval talents combined in the persons se-*  
“ *lected for this service, advantages must arise,*  
“ *which cannot be expected from the labours of*  
“ *any one individual.* The experience of your  
“ conduct from the time the island was first  
“ placed under your charge, has induced His  
“ Majesty to select you as one of the persons to  
“ whom this important trust shall be confided.”

It is also sufficiently known that the persons selected, were Mr. Fullarton, Colonel Picton (then Governor, and Captain General of the island, and residing there in that high situation,) and Commodore Hood; Mr. Fullarton, who was named first in the commission, arrived in the island, I believe, on the 4th of January 1803, and Sir Samuel Hood on the 22d of February following. The Commissioners were, *to my own knowledge*, received by Colonel Picton with every mark of respect, attention, and hospitality. What the particular duties pointed out to them in their detailed instructions from the English government were, it is quite unnecessary for me to state, but as it has been circulated with some diligence, both in this country, and in the East and West Indies, that the review and examination of Colonel Picton's administration formed a part of those instructions, I here assert, from a copy of them now before me, that *no review or examination of his former government, formed any part whatever of that paper.* Commodore Hood, I am authorized to state, from conversations with him on this point, had no private instructions on the subject, and whether Mr. Fullarton received any, the public will best judge from *his own* declaration to Captain

Shelton in Trinidad, as solemnly attested upon oath, by that officer.

COPY OF CAPTAIN SHELTON'S DECLARATION.

*Port of Spain, 23d February, 1803.*

“ On the evening of the 21st instant, I  
“ waited on Colonel Fullarton, by desire of  
“ B. General Picton, in order to learn if he had  
“ made any arrangements to receive Commo-  
“ dore Hood, the third Commissioner in Coun-  
“ cil, on the next day: He immediately said,  
“ I am very glad to see you, and shall em-  
“ brace this opportunity of speaking to you *in*  
“ *private.*” I accordingly withdrew with him,  
“ when he said as follows:

“ You are no doubt, Sir, acquainted with  
“ the difference that subsists between General  
“ Picton and myself, and I have to assure you  
“ it has not proceeded from any intention on  
“ my part, as there is not any person who has  
“ *a higher opinion of his zeal, abilities and*  
“ *energy: to his indefatigable perseverance and*  
“ *attention, this colony is particularly indebted;*  
“ *and so far from my depreciating, or wishing to*

“ lessen him in the public opinion, I have to  
“ assure you that I hold the highest opinion, not  
“ only of his abilities, but of his administration;  
“ nor do I know any person possessing more  
“ general information, or a more decided cha-  
“ racter, and that I should think myself bound,  
“ as a man of honor, to give the most ample tes-  
“ timonials; for in reality I think he has the  
“ strongest claims; and so far from my disap-  
“ proving of his administration, I should be hap-  
“ py to follow it; but my misfortune is, that I  
“ cannot, at a moment, derive such information  
“ as he has acquired in an experience of six  
“ years in the colony. It has been said that I  
“ have coalesced with persons inimical to him  
“ and his government; this I absolutely deny,  
“ and I dare any man to say so. In the situa-  
“ tion which I stand, I have declared myself  
“ ready to receive all descriptions of people who  
“ wait on me, but not to encourage or, counter-  
“ nance complaints intended to be made against  
“ General Picton; so far from it, that when I  
“ perceived any attempt of this nature, I have  
“ invariably discouraged it, remarking that the  
“ prospective, and not the retrospect, was the  
“ system on which, on every occasion, I was  
“ determined to act. My receiving persons  
“ hostile to General Picton, and whose prin-  
“ ciples

“ ples *I dare say he justly censures*, ought not  
“ to be attributed as a fault. As members of  
“ this community I receive them; but so far  
“ from countenancing, that I assure you they  
“ have felt my indifference so fully as to have  
“ induced them to say that the joy they felt  
“ on my arrival in the colony has been turned  
“ into mourning. Respecting my having sanc-  
“ tioned a mulatta woman, Duval, to remain  
“ here for a short time, it was not a measure  
“ intended in opposition to the General, but  
“ merely to allow her to settle her affairs; and  
“ if there had not been a misconception or  
“ misrepresentation on the part of Mr. Wood-  
“ year, the General would not have attacked  
“ me in my own house, and in the presence of  
“ my wife and family, in so high and imperious  
“ a tone. I have the character of an officer  
“ and a gentleman to maintain, and cannot  
“ easily reconcile the harshness of such treat-  
“ ment. Notwithstanding, I beg you will in-  
“ form General Picton of *my sincere wish to co-*  
“ *operate with him most cordially; his infor-*  
“ *mation will be of the most essential service in*  
“ *the plans which we may adopt or pursue, and*  
“ *his decided character will strengthen our coun-*  
“ *cils.* I am perfectly aware that by unanimity  
“ alone we shall succeed--nothing shall be

“ wanting on my part. I repeat, as before, “ that I admire *his abilities, and his extensive information*; and I, of course, so far from “ *censuring, or having cause to censure, any part of his administration*, that I shall ever “ think it *worthy of imitation, and such as we ought to follow.*”

Such was the substance of Colonel Fullarton's conversation, which lasted, I believe, an hour, reiterating his approbation and admiration of General Picton, and his hopes that I would do justice to his sentiment in my communication.

ROBERT SHELTON,  
Captain 57th Regiment.

Attested before the Privy Council.

But whether the Commissioners had, or had not, authority to inquire into Governor Picton's administration, is very little to the purport of my statement; I mention it, and the circumstances connected with it, chiefly with the view of acquitting, from the fullest authority (that of the Commissioners), the then Secretary for the Colonial Department, and the Administration at

large, from any knowledge of, or participation in, a transaction of a very extraordinary nature, which I shall think it my duty to bring forward before I conclude this Address.—This, I trust, is a very sufficient reason for extending the limits of my paper by mentioning it.

I shall pass over entirely the public transactions which took place among the Commissioners, until the day when Mr. Fullarton thought proper to state to the other two Commissioners, and His Majesty's Council of that island, the charges which he brought against the conduct and government of Colonel Picton: they were, I believe, presented to the Council the 24th of March, and were dated the 12th of the same month. The two Commissioners, Colonel Picton, and Commodore Hood, had dined with Mr. Fullarton on the 25th of February preceding; General Grinfield was also invited; and I had the honor of being one of the party, by invitation from Mr. Fullarton. From the seeming attention and respect which Mr. Fullarton paid to Colonel Picton on that day, I augured a future good understanding. General Grinfield sailed from Port of Spain on the 15th or 16th of March; and I take the date of the subsequent trans-

actions from a copy of the Minutes of the Council of that island, now before me.

Although not indispensable to my immediate purpose, yet for the sake of truth, and of contradicting a report which has also been circulated with great industry, that Commodore Sir Samuel Hood joined Mr. Fullarton in his charge against Colonel Picton, I give, from Colonel Picton's letter to Lord Hobart, a copy of the Commodore's address to Mr. Fullarton in Council, *on the very day* when he presented the charges. This address was taken down by Colonel Picton, and printed in his letter, dated November 1804; a copy of which was immediately transmitted to Sir Samuel, then on his station at Barbadoes. He has been in this country for some months; and although Mr. Fullarton has had the hardihood to assert that it was not spoken by him, I do now assert, *from authority*, that such assertion is false.

*COPY of Commodore Hood's Address to Mr. Fullarton, in the Presence of all the Members of His Majesty's Council of Trinidad, respecting a Proclamation of the Commission which had not been communicated to him by Mr. Fullarton.*

" But I was never consulted respecting the  
 " proclamation; and I am sorry, Sir, that you  
 " have so bad a memory. Do you already  
 " forget having assured me, that the procla-  
 " mation was torn down by General Picton's  
 " partizans? I am ashamed of you; ashamed  
 " to be seen in the same company. Not with  
 " you, General Picton—I shall be proud to  
 " act with you on all occasions—you have  
 " never attempted to impose upon me—you  
 " have allowed me to see my own way. I have  
 " never had any conversation with General  
 " Picton respecting the disagreements; but  
 " as for you, Sir (turning to Mr. Fullarton),  
 " your behaviour has been such, that nothing  
 " but the paramount obligation of His Ma-  
 " jesty's Commission could seat us at the  
 " same board. I shall, however, request to

“ be relieved as soon as possible from so dis-  
“ agreeable a situation, with a colleague with  
“ whom I can have no further confidence. I  
“ was in hopes you had been occupied in car-  
“ rying His Majesty’s orders into effect, by  
“ forwarding the objects of the Commission ;  
“ but I find, on the contrary, that every step  
“ you have taken has tended to protract them :  
“ you have, in the most arbitrary, indecent  
“ manner, taken advantage of my absence  
“ to suspend the Public Secretary, contrary  
“ to the opinion of the Council and of your  
“ colleague, who protested against the mea-  
“ sure, and advised that the consideration  
“ should be postponed until my arrival. In-  
“ stead of cordially co-operating with General  
“ Picton, you seem to have done every thing  
“ in your power to inspire him with disgust.  
“ The general dissatisfaction which your pro-  
“ ceedings have given to the public bodies,  
“ magistrates, and respectable people of the  
“ colony, is but too apparent. You are doing  
“ every thing you can to ruin the country ;  
“ but you shall not effect it ; we will not allow  
“ you.”

I ask pardon of my reader for having thus dis-  
gressed a little from my particular object; I  
now return:

## CHARGE AGAINST COLONEL PICTON.

I find this charge in the *Minutes of Council* of  
Trinidad, stated as follows:

“ For the application of torture to extort con-  
“ fession from Louisa Calderon, *a girl under*  
“ *fourteen years of age*, respecting a robbery  
“ *supposed to have been committed by* Carlos  
“ *Gonsalez against Pedro Ruiz, stated to have*  
“ *been frequently employed as an agent by*  
“ *General Picton.* The torture is stated to  
“ *have been applied two successive times, with*  
“ *such severity that the girl fell down in ap-*  
“ *pearance dead, and there was no physician or*  
“ *surgeon to assist.*”

The charge thus stated includes three or four different crimes, which it is necessary to particularize, for reasons which shall be subsequently given to the reader. The *first* is, that it was applied to a girl under fourteen years of age; that is, to a person of that age whom the Spa-

nish law exempts from punishment of this kind \*. The *second* is, that she was punished under a *supposition* of a robbery. The *third* is, an implication of Colonel Picton's improper connexion or interference in the business, by denominating the person robbed "*as an agent frequently employed by Colonel Picton.*" And the *fourth* is, that the punishment was applied with such severity, "*that she fell down in appearance dead, and there was no physician or surgeon to assist.*"

The motives which induced Mr. Fullarton, at so early a period of his sojourn in the country, to advance a charge of this complicated nature, and so entirely contrary to the opinion and belief of his colleague Sir Samuel Hood, I have not taken upon myself to investigate. It is, however, neither unreasonable nor unfair to conclude, that when, according to his own declarations, he received no instructions to examine into the previous government, and that when such an attempt was made by him, it was publickly, forcibly, and with the utmost earnestness on the part of his colleague, not only

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\* The age of puberty, by the Spanish law, is twelve.

deprecated, but utterly decried and discredited, and his veracity at the same time in other concerns impeached and maintained before His Majesty's Council of the island, and where that impeachment was supported and sustained by all the Members of that Council but one; I say, in these circumstances, it is neither unreasonable nor unfair to conclude, that Mr. Fullarton's motives, in taking up this business, were not the result of a feeling or sense of public duty, nor in obedience to the requisition of public instructions.

But if I cannot give him much credit in this respect, I shall not be deficient in acknowledging, that the taste, (if I may so pervert the real meaning of the word) which he has shewn in the selection of his charge, argues an acuteness of discrimination, which, when we consider the nature of the work he meditated, proves his ability in the way of criminalation. Excellence in any line should never pass unnoticed. Between him who most exalts, and him who most debases his nature, there is but the moral difference of right and of wrong. The wicked ingenuity of the act by which that difference is contrasted may still be a subject of admiration, and the *man* may

be handed down to posterity an object of universal horror and execration, while the record of his villainy yet remains a black, but extraordinary instance of perverted talents, and distorted genius. Mr. Fullarton knew the temper of the happy country from which he came; he participated in accusations which not long since had hunted down, by a hue and cry of unpopularity, the reputation and fortune of a man, whom the highest and most honored branch of the legislature at length pronounced innocent and guiltless. He well knew the feelings of the people of England, and with what facility and success every impostor before him had roused those feelings, which, according to their direction, cast so much honor or so much disgrace on the national character. Happy, too happy, I conclude, did he feel himself, when he was able, with an air of great philanthropy and plausibility, to offer to the public a new victim for popular indignation. Religion had lost its hypocritical cowl—Mahomet had long since monopolized all this trade. Patriotism had expended its masks—Wilkes is no more—the French Revolution is passed, and the civil and political liberty of England, disjointed by the shock, wanted the cement and fiery infusion of an inhabitant of a new and tropical region to

support its weakness, and to renew its expiring strength. Louisa Calderon was to be brought from another world, and an hypocritical mulata prostitute, a self-convicted robber, introduced into Westminster Hall, and *associated* with Hampden, and with Sydney, to the edification and instruction of the present and succeeding generations.—Why, alas ! should this noble, generous, and high-minded feeling, the peculiar boast and glory of the English nation, be perverted to the basest and most degrading purposes ? Why should every *mountebank* in politics, every bankrupt in fortune and in honor, be capable of leading this charitable and magnanimous people astray, and of turning their feeling hearts and reflecting minds to the furtherance of their own base and wicked designs ? That this has actually been the case in the business of *Mademoiselle Calderon*, I have no difficulty in saying that I shall be able most satisfactorily to prove ; I feel quite confident in asserting, that I shall in this letter place beyond all doubt or contradiction, that so far from any violation being offered to the laws which Colonel Picton was directed to administer, so far from any tyranny, oppression, or ill treatment being exercised against *Mademoiselle Calderon*, the most minute and scrupulous observance of the most minute

and scrupulous forms of that law was rigidly adhered to throughout; that in every connexion and relation in which it can be viewed, it will be pronounced according to the laws of the tribunal under which she was born, and under which the habits of her mind and feelings took their rise, a fair, impartial, just, and honorable trial.

I shall first state who and what the parties concerned in this robbery were.

Pedro Ruiz was a laborious, industrious Spaniard, who by economy, and indefatigable attention to little savings, had accumulated, (as many of my most respected countrymen have done) a sum of money to the amount of 450*l.* sterling, by which he extended his dealings and increased his stock. He sold tobacco at his shop, and dealt in mules and other cattle. For this last article of his trade, Colonel Picton, who was himself a planter, and hereby gave the most unequivocal proofs of his desire, and of his interest to uphold the laws, (which are the only basis of order and of peace in any society of human beings) had some dealings with Pedro Ruiz; and as the *third* part of the charge (vide

“ every thing that has passed in that transaction on oath.

“ I will relate the nature of the rack or torture directed by our laws, the circumstances under which it is to be applied, and the objects on which it is proper to inflict it; by which means you will be able yourselves to form a judgement, whether the application of this species of torture, the *picket*, on two different days inflicted on Louisa Calderon, was any thing like the severity meant by this law. You will undoubtedly reflect, gentlemen, that in a process like this, as in many others, and in a country where French and English inhabitants are obliged to administer the laws, written in a language different from their own, there may be some deficiencies; and I will observe to you, gentlemen, that the same laws direct the Judges in their sentence, to take into their consideration only the justice and real intention of the cause, and not to stand themselves to any defect of formality, which may have been omitted. *Vide Recopilacion de Castilla*—Tomo primo, Libro quarto. Tit. 17. Ley. 10. fo. 603.

"years." At this period, which was the 7th December 1801, the robbery was committed. In order to give my reader a general outline and view of the transaction, I annex an extract from the declaration on oath, before the chief Magistrate, Mr. Begorrat, the Alcalde in ordinary, who conducted the law process against her, as taken from the minutes of Council in which it was by order registered.

*DECLARATION of the Honorable Hilariot Begorrat to the Commissioners and Council, on Wednesday 6th April 1803, relating to the Insinuations thrown out by Colonel Fullarton, on the 24th March 1803, respecting the use of the Torture.*

" GENTLEMEN,

" In consequence of the permission granted  
 " to me by this Honorable Board of Council,  
 " to enter upon the minutes my answer to the  
 " insinuation thrown out by Colonel Fullarton,  
 " respecting my conduct in the prosecution of  
 " Louisa Calderon, I now make a relation of

“ gone. Louisa returned at the noise of the  
“ robbery, appeared astonished, and declared  
“ she was ignorant of any person having gone  
“ in or out of the house and of the rob-  
“ bery..

“ Governor Picton, on the application of  
“ Pedro, went to the spot where the robbery  
“ was committed, nearly opposite to Govern-  
“ ment House, and ordered Louisa Calderon to  
“ prison. Carlos Gonzales shewed the greatest  
“ uneasiness when the robbery was discovered,  
“ walked with great agitation here and there,  
“ and from street to street; he then returned to  
“ the house, lamenting the loss his friend Pedro  
“ had sustained. The day after, I received  
“ orders from Governor Picton to prosecute  
“ this robbery; the same day, and the following  
“ days, I took the depositions of the witnesses,  
“ which implicated Carlos, and I had him  
“ immediately apprehended; at the same time  
“ I sent for Louisa Calderon to jail to take  
“ her declaration extrajudicially in my own  
“ office, in presence of the Escrivano Castro.  
“ This I did in order to prevent the expenses of  
“ the law, and to shorten the process. She  
“ denied the whole of the charge, and attested  
“ that she never had any intrigue with Carlos.

“ Carlos was called upon to give his declaration  
“ in the same manner, extrajudicially, in my own  
“ office, in the presence of the Escrivano Castro.  
“ He also denied every thing laid to his charge,  
“ denying also his having gone into the house  
“ by the narrow passage near the sea side,  
“ although the witnesses had sworn to it;  
“ denying also that he ever had any intrigue  
“ with Louisa Calderon. Two days after,  
“ she was brought from gaol to my office,  
“ to be again examined extrajudicially in pre-  
“ sence of the Escrivano: she then thought pro-  
“ per to confess, making use of this expression,  
“ ‘ Now, Judge, I will tell you every thing.’  
“ She then confessed, that it was very true  
“ she had for some time past a love intrigue  
“ with Carlos Gonzales; that being alone in  
“ the house that day, he had solicited a meeting  
“ with her, and that he came into the chamber  
“ of Pedro Ruiz by the back door next the sea  
“ side, through the narrow passage, at the time  
“ mentioned by the witnesses; and having gra-  
“ tified his wishes, he went away. She ob-  
“ served, that for her part she had not stolen  
“ the money, but would say nothing further.  
“ Immediately afterwards I had Carlos brought  
“ from gaol, and confronted with Louisa, in  
“ presence of the Escrivano and the gaoler, in

“ my office ; the depositions of the witnesses  
“ were related to Carlos, and the foregoing  
“ circumstances repeated in his presence by  
“ Louisa. His countenance and figure instantly  
“ manifested the greatest confusion and embar-  
“ rassment. He then confessed, that he had  
“ for some time a love intrigue with Louisa ;  
“ and that it was true, that about the time  
“ of the robbery he had gone into the chamber,  
“ after having spoken to Louisa at the street  
“ door, by the back part of the house near the  
“ sea ; and after having received her favor,  
“ went away ; declaring, that he had not  
“ broken open the trunk, nor touched the  
“ money ; and that bashfulness had prevented  
“ his acknowledging the intrigue when first  
“ examined.

“ The confessions of the accused, the de-  
“ positions of the witnesses, particularly of  
“ one of them, a man bed-ridden in a chamber  
“ adjoining to that where the trunk was broken  
“ open, and who declared, that as he lay in his  
“ bed *he saw Carlos pass by the narrow passage,*  
“ *and immediately afterwards heard the lock of*  
“ *a trunk broken, and then saw Carlos go out*  
“ *under cover of the evening, at the time men-*  
“ *tioned by the witnesses and the accused.*

“ These circumstances form the substance of  
 “ the affair. I immediately related all the cir-  
 “ cumstances to Governor Picton, and told  
 “ him that it appeared very clear that the  
 “ accused were actually the perpetrators of  
 “ the robbery; but it was impossible to find  
 “ what they had done with the money.”

“ I must observe to you gentlemen, that this is  
 “ the only instance, in which the torture has been  
 “ applied by me during the whole time of my Al-  
 “ caldeship, where under the immediate sanction  
 “ of the superior tribunal, I have been under the  
 “ painful necessity of condemning persons to  
 “ death, to the pillory, and to be whipped; and  
 “ that my natural feelings and sensibility have  
 “ evinced on these occasions, an emotion full as  
 “ strong as those which the Colonel has mani-  
 “ fested, in the lamentable recital of those me-  
 “ lancholy scenes, could I imagine that these  
 “ Inquisitorial Researches had for their end the  
 “ pure principles of philanthropy and humani-  
 “ ty.”

I have inserted in Appendix No. I. the order  
 of the whole of the law Process carried on by  
 the Alcaldes in ordinary, or Magistrates, from  
 the commencement of Louisa Calderon's im-  
 prisonment, by order of the Governor, on the

7th day of December, 1801, to the day of her liberation, on the 17th of August, 1802: I have placed it in the Appendix, in order to keep unbroken the line of my arrangement, and I request my reader to turn to it, and look it over: he will then be fully capable of following me through the order which I shall observe in the following narrative, and to determine with satisfaction another point, which has been triumphantly pressed upon *as a substantial proof* of the tyranny and oppression shewn by Colonel Picton to this unhappy culprit—I mean, the long period in which she was confined in gaol: the different months in which the processes were executed are marked in the margin; so that by simply carrying his eye throughout, he will at one view be fully master of this point.

The greater part of the following account of the Process carried on against Louisa Calderon has continued reference to a source of authority beyond all question or doubt; it is to the proceeding of an inquiry held as the title expresses it, and as it is mentioned in the Appendix,

“ At a Court holden at the Council Chamber,  
“ in Government House, Port of Spain, in the  
“ Island of Trinidad, on Thursday, the 29th  
“ day of November, in the forty-fifth year of  
“ the reign of our Sovereign Lord George

" the Third, by the Grace of God of the  
 " United Kingdom of Great Britain and Ire-  
 " land, King, Defender of the Faith; and in  
 " the Year of our Lord One Thousand Eight  
 " Hundred and Four, before his Excellency  
 " Thomas Hislop, Esq. Brigadier-General of  
 " His Majesty's Service, and Lieutenant-Gov-  
 " ernor commanding in Chief of the said  
 " Island of Trinidad; by virtue of certain Writs  
 " of Mandamus issued out of his said Majesty's  
 " Court of King's Bench at Westminster, for  
 " the Examination of Witnesses, and for the  
 " receiving other Proofs, concerning the Mat-  
 " ters charged in a certain Indictment found  
 " in His Majesty's Court of King's Bench  
 " against Thomas Picton, Esq. on the Prosecu-  
 " tion of His Majesty, on the Behalf of Louisa  
 " Calderon.

" Present,  
 " His Excellency the Lieutenant-Governor."

To this authority I shall have occasion con-  
 stantly to refer; and to save my reader's time  
 and trouble, I shall apprise him, that wherever I  
 make use of the words, "Proceedings on Oath  
 " before said Court," they relate to the de-  
 positions sworn to before the Court so de-  
 scribed.

Mr. Begorrat's declaration concluded at that

point of Louisa Calderon's process where she confessed, in her extrajudicial\* examinations, that Carlos Gonzales had had connexion with her, that she had admitted him to the house at the very time of the robbery, but would confess nothing more. I shall now state, from the proceedings on oath before the Court, the sources of Mr. Begorrat's opinion of Louisa Calderon's guilt, and the reasons which induced him to recommend the punishment of picket to be decreed by the superior tribunal, or Governor.

*Mr. Begorrat interrogated on Oath before the said Court.*

“ Q. You say that the suspicions were very strong against Louisa Calderon ; explain to the Court what those suspicions were to which you allude, as far as you can recollect.

“ A. When I began the proceedings, according to the order of the General, I found that the declarations of all the witnesses proved the greatest connexion between Louisa Calderon and Carlos Gonzales ; that Louisa Calderon, by the declaration of the witnesses, appears to have introduced Carlos Gonzales into the narrow passage in the very instant mentioned by

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\* Extrajudicial, not taken formally when upon the Bench, and used as Mr. Begorrat says, to prevent expense, and to produce dispatch.

“ the witnesses of the robbery being committed,  
“ and from the passage into the chamber of Pedro  
“ Ruiz ; that Louisa Calderon, in her first extra-  
“ judicial declaration before me and the Escrivano  
“ Castro, taken upon oath, denied any communi-  
“ cation or carnal intercourse whatever with Carlos  
“ Gonzales ; that by her second extrajudicial  
“ declaration, taken upon oath before the said  
“ Castro and me, she then confessed to have  
“ introduced Carlos Gonzales through the passage  
“ immediately into the chamber of Pedro Ruiz,  
“ when she yielded to all the wishes of Carlos  
“ Gonzales, and then retired from the chamber,  
“ but that she did not know where the money  
“ was ; that Carlos Gonzales, in his first extra-  
“ judicial declaration, taken upon oath before me  
“ and the Escrivano Castro, denied to have had  
“ any communication or intercourse with Louisa  
“ Calderon whatever ; that the said Carlos Gon-  
“ zales, in his second extrajudicial declaration on  
“ oath before me and Castro, and before Louisa  
“ and all the witnesses, falling upon his knees,  
“ confessed that he had effectually introduced  
“ himself through the passage into the chamber  
“ of Pedro Ruiz, with the assistance of Louisa,  
“ where he had carnal connexion with Louisa  
“ Calderon, as confessed by her ; and that the same  
“ intercourse had commenced four months before ;  
“ and that if he had denied, in his first extra-

“ judicial declaration, to have introduced himself  
“ by the passage into the chamber of Pedro Ruiz,  
“ with the assistance of Louisa, and also his carnal  
“ connexion with her, it was from shame, because  
“ he was a married man; that the perjury of both  
“ of the accused, the depositions of the witnesses  
“ against them, and particularly the deposition  
“ of one of the witnesses, who was paralytic, *lying*  
“ *in the bed distant from the chamber of Pedro*  
“ *Ruiz about eight or nine paces, stating, that*  
“ *in an instant after the introduction of Carlos*  
“ *into the passage, he heard the opening of the*  
“ *wicket, and in a moment afterwards, the noise*  
“ *of breaking open of a trunk or box.* All those  
“ circumstances, and the great obstinacy of  
“ both the accused, to say any thing about the  
“ money, was the motive of my official com-  
“ munication to the superior tribunal, respect-  
“ ing the picketing of Louisa Calderon.”

This deposition my reader must, I am certain, deem conclusive as to the point which it was adduced to prove, viz. That the Magistrate had sufficient reasons for grounding his *suspicions* of the guilt of Louisa Calderon, and of her being an accessory in the robbery of Pedro Ruiz her keeper, I am therefore now to prove, that Mr. Begorrat was sufficiently authorized in proposing the infliction of that punishment, which

he recommended to the Governor in the following official act, which he transmitted by the Escrivano Castro to Colonel Picton as the superior tribunal.

*Official Communication of the Alcalde of the first Election.*

" In consequence of the strong suspicions his  
 " Honor entertains of the mulata Louisa Calde-  
 " ron, a domestic of Pedro Ruiz, concealing  
 " the truth relative to the aforesaid robbery ex-  
 " pressed in these proceedings, and his Honor  
 " being persuaded that she will discover the  
 " truth of the matter, by means of a slight tor-  
 " ment being inflicted on the said Calderon, and  
 " whereas his Honor is not invested with power  
 " to execute the same, his Excellency the Go-  
 " vernor and Captain General of this island  
 " must be made acquainted hereof, with the  
 " summary of this process by virtue of this do-  
 " cument, to the intent, that his Excellency  
 " may determine, as may appear to him justice.  
 " The usual and requisite forms to be adopted  
 " and observed by the notary in this cause.  
 " And in pursuance hereof, his Honor thus de-  
 " creed and ordered, and he signed hereto,  
 " which I, the underwritten Notary, attest this

“ day, the twenty-second day of the aforesaid  
“ month and year.

“ Before me, “ FRANCISCO DE CASTRO,”  
(Signed) “ BEGORRAT.”

Whereupon the said notary proceeded to the tribunal of the said Governor and Captain General of the island, and the usual forms having been observed, I make known to his Excellency, the aforesaid act, as also the summary in conformity as decreed, which I attest.

(Signed) CASTRO.

And the said Notary, Castro, being asked by his Excellency, the Governor, in what manner he should give or word the sentence which was applied for to him by his Honor the Judge of first appointment; he, the said Castro, *dictated* the form and words of the sentence or punishment as requested according to law, which was as follows,

“ Appliquez la question a Louisa Calderon,” which, translated into English, is, apply the question, or torment, or torture, to Louisa Calderon.

(Signed,) “ THOMAS PICTON.”

“ His Excellency the Governor and Captain  
 “ General of the island of Trinidad thus or-  
 “ dered, and he signed the same on the 23d of  
 “ December, 1801.

“ FRANCISCO DE CASTRO.”

“ I transmitted these proceedings to the Court  
 “ of the Judge of first appointment.

(Signed)

“ CASTRO.”

I have said, that I should prove that the Magistrate was fully supported and authorized by law to propose this recommendation, and to carry it into execution, when signed by the superior tribunal.

Let us however, previous to this exposition, take a rapid review of the state of the criminal jurisprudence in Trinidad, previous to the conquest ; I mean at that period when it is said by its oldest inhabitants, that the laws had been administered with the greatest vigor; for at the period of the conquest, and for some years before, even Judge Nihell himself, as I shall state hereafter, acknowledges, that there was neither law or order. This review will occupy but a very short time.

*Qualifications and Power of Alcaldes.*

The most correct information on this subject, is certainly to be had from the Alcaldes and the Escrivano. We shall begin with *Judge Nihell*, on oath before the Court.

“ *Q.* How long have you resided in the colony?

“ *A.* Between nineteen and twenty years.

“ *Q.* Was you an officer of justice at the time of the conquest?

“ *A.* I was Alcalde of the first election.

“ *Q.* If the crimes of robbery, murder, and rape, had been committed with impunity before the conquest, would you not have been the person most likely to have heard of them, and would you not, by virtue of your office, have prosecuted them for these offences?

“ *A.* I certainly should have heard of them, but I was not the person most likely to hear them, for these criminal cases were in general tried before the Auditor in the Governor's tribunal, criminal cases were generally tried before the Governor and Auditor; and although the Alcaldes were competent to take cognizance of criminal causes, I never heard of any criminal

“ cause being carried before them during the  
“ Spanish time.\*

“ *Q.* From your knowledge of General Chacone, then at the head of the Government, do you believe that he would have permitted a man charged with crimes, such as before stated, to have remained in the island without trial, and in case of conviction, would he not have ordered punishment?

“ *A.* I certainly found from my knowledge of Governor Chacone, and believed him utterly incapable of any injustice; *we all knew that he could not have ordered punishment without the approbation of the audience of Caraccas, but as far as in him lay,* he certainly would have ordered the execution, and would not have dared to act otherwise.”

Here we have the assertion on oath, of the man who filled these offices at the very time of the conquest, and had been a resident in it for near thirteen years preceding, 1st, That he never heard of a criminal case carried before the Alcaldes in the Spanish time, although they were

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\* I have inquired into this seeming anomaly, and I find that it was owing entirely to the rapacity of the Assessor, who, on account of the fees arising from the causes, wished to have them tried and decided in that tribunal. It has been before said that the tribunals were coequal in authority.

competent to try them; 2dly, That the Governor and Auditor, "*sitting as Assessor*," managed all these criminal cases; and 3dly, "That the Spanish Governor, every body knew, *could not order punishment without the approbation of the audience of Caraccas.*" This fully proves the state and practice of the Spanish laws in Trinidad, at the time of the arrival of Sir Ralph Abercromby, in 1797.

I have before stated that the first step of Sir Ralph was, to supersede and send out of the country the Auditor and Assessor of the former government, for his crimes and misdemeanors; and that the second was to appoint the said Mr. Nihell to the situation of Chief Judge of the island. (Vide instructions, page 22.) He did not, however, interfere with the Alcaldes, who, as Mr. Nihell has deposed, were competent to try criminal cases; and notwithstanding, he says at the latter end of the second paragraph, of the instructions to Judge Nihell, "You are ordered to " proceed in all cases, whether civil or criminal, " *without any assessor, although it may be contrary to the form and spirit of Spanish law.*" Isay, notwithstanding this power which he was to exercise, "*according to the dictates of his conscience, and conformably to the instructions he should receive from Lieutenant Colonel Picton, although it should be contrary to the usual practice of the Spa-*

" *nish Government*," yet I do not find that he did act as a criminal Judge. The Alcaldes were therefore the acting practical criminal Judges, and it is to them, and to their opinions of the letter and spirit of that criminal law, that we are to have recourse, as the surest authority for its practice at the period mentioned. Now the question is, what was the situation of an Alcalde of the first and second election, and what were their powers.

We shall take their own depositions on oath: but first let us see what the chief, or, as I before called him, vital legal officer, left in the island after the conquest, says on this subject.

### *The Escrivano Castro, on Oath.*

" Q. How long have you practised as an Escrivano?

" A. More than eighteen years.

" Q. Is an Alcalde, such as Mr. Begorrat was on the trial of Louisa Calderon, obliged to be graduated as an advocate, before he could exercise that function or office?

" A. No Alcalde in this country has ever been obliged to be graduated as an advocate.

" Q. Are the Alcaldes of the first and second election now in office, graduated as advocates?

“A. No.

“Q. Is it not an elective office, and by whom?

“A. Elective by the Cabildo, and to be confirmed by his Excellency.

“Q. Have not these officers been generally planters, or persons living in society without being versed or skilled in the Spanish laws?

“A. Always.

“Q. Can, an Alcalde, when elected, refuse the office?

“A. Yes, subject to a fine.

“Q. What was Mr. Begorrat's employment before he was Judge?

“A. A planter.

“Q. Was he ever graduated as an advocate?

“A. No.

“Q. Was there in this island, at the time of Louisa Calderon's trial, any graduated advocate with whom Mr. Begorrat, as Alcalde, could consult or advise?

“A. There was none.

“Q. What do you call such a Judge as Mr. Begorrat was, according to the Spanish law?

“A. Alcalde in ordinary, of the first election.

“Q. Is there no designation of a Judge, not graduated, in the Spanish law?

“A. Yes, lego.

“Q. Is not the Escrivano of a Judge Lego, Assessor to him?

“ A. When the Judge requires it.

“ Q. Was it of the competence of the Alcalde, Mr. Begorrat, and of his tribunal, to apply the question or torture, to such a crime as that with which Louisa Calderon was charged and committed?

“ A. Not by himself alone, but with the authority of the Government.

“ Q. Was the application of the picket to Louisa Calderon, originally suggested by the defendant the Governor, or by the Alcalde Mr. Begorrat?

“ A. By the latter.”

I have now stated the opinions of the Escrivano, on the qualities and duties of an Alcalde of the first and second election. I have called him a chief legal officer, because he has deposed that he may act as an Assessor to the Judge Lego, when the Judge requires it, and in his answer to Mr. Hayes's \* question, page 28 in the return to mandamus, who asked him, “ you have said that all the Judge's of the Spanish law here, are lego, and that in such cases the Escrivano is the Assessor when required : on what do you found such opinion?” A. “ On

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\* Counsellor to Mr. Fullerton, and styled, “ Barrister at Law,” in the return to mandamus.

“ the practical laws explained in the Spanish  
“ law books.”

I shall now have recourse to the Alcaldes themselves, and *shall begin with Mr. Begorrat*, interrogated on oath before the court.

“ Q. Were you the Judge on the business of  
“ Louisa Calderon, or were you acting by spe-  
“ cial commission from General Picton?

“ A. The Judge who received the first com-  
“ plaint was General Picton, and he committed  
“ Louisa Calderon to jail the 7th of December,  
“ 1801, and, I believe, on the 9th of December,  
“ I received orders from General Picton, as Al-  
“ calde of the first election, to prosecute the  
“ complaint, which I did to the 31st, on which  
“ day my Alcaldeship expired, which makes  
“ twenty-two days attending to the business.

“ Q. Are you a graduated and qualified advo-  
“ cate under the Spanish laws?

“ A. No.

“ Q. As not being graduated, how came you  
“ to take the office of Judge?

“ A. To undertake the office of Alcalde in or-  
“ dinary, it is not necessary to be a graduated  
“ advocate, nor to know how to write, or to read;  
“ when any member of the community is elected  
“ to such office, he is obliged to accept it, and if  
“ he does not accept it, he is by law subject to a

" penalty, and rendered unable to fill any public  
" charge, and on that account not responsible for  
" any defect or informality in the proceedings.

" Q. As specially delegated to take charge of  
" the cause of Louisa Calderon, was it with your  
" sanction that she was put on the picket ?

" A. As Alcalde in ordinary of the first election,  
" I had not sufficient authority to administer the  
" picket to Louisa Calderon *without an Assessor*,  
" *who ought to be a graduated advocate, and as*  
" there was not such to be found in the island, I  
" was obliged, *according to the law in such cases*,  
" to consult with the superior tribunal; I ordered  
" the Escrivano Castro to pass to the superior  
" tribunal the declarations and confessions of the  
" accused Louisa Calderon and Carlos Gonzales,  
" observing, at the same time, that suspicions  
" were very strong against Louisa Calderon and  
" Carlos Gonzales, and I thought her being put  
" on the picket for a short time would make her  
" confess.

" Q. Had there been a graduated advocate pre-  
" sent, would not the appeal to General Picton  
" have been unnecessary ?

" A. I would have been obliged to have gone  
" through the business with the Assessor 'till the  
" definitive sentence, but I should have been un-  
" able to put the sentence in execution without

“ the authority and confirmation of the superior  
“ tribunal.

“ Q. Were you ever warned by Castro of the  
“ formality of letting five days pass after the  
“ decree, and before the execution of it ?

“ A. No : and if he had done so, I have always  
“ shewn too much respect for the law not to have  
“ allowed it ; but I knew Castro, as Escrivano,  
“ was obliged to advise me of all the formalities of  
“ the laws as a Judge Lego and Imperito ; but  
“ *as far as I can understand the law, I found in the*  
“ *author Bobadellia, that being authorised by the*  
“ *superior tribunal, in such cases I could adminis-*  
“ *ter the torture without any kind of communica-*  
“ *tion to the accused.*

“ Q. Was the picket ordered to Louisa Cal-  
“ deron a Spanish mode of punishment, or were  
“ you at liberty, as a Spanish Judge, to apply the  
“ mode of torture as you thought most advisable ?

“ A. The modes of torture are not absolutely  
“ defined by the Spanish law ; it is left to the  
“ discretion of the Judge, and recommended by  
“ the law to the Judges, to administer torture  
“ according to the constitution and strength of  
“ the accused ; and as I did not consider the  
“ picket in the jail but as a very slight torture in  
“ comparison to torture used in Spain, I ordered  
“ it in preference to Louisa.

“ Q. You say that the mode of torture is discretionary in the Judge ; did you collect that from the instruction of other persons, or from the Spanish law books of authority ?

“ A. *There being no Spanish lawyer of authority in the country, I resorted to the different law books which I could procure on the subject.*”

To illustrate further the power of the Alcaldes, I shall insert Mr. Begorrat's answer to a question put by the Court :

“ Q. You observed, in the first part of your evidence, that the picket was in the first instance administered to Louisa Calderon by the authority of General Picton, all the power of the supreme tribunal being vested in him, *did the second application of the picket take place alike from the orders of General Picton, or did you, as Judge in the cause, direct it to be administered?*

“ A. When a Judge receives authority to administer the torture to a criminal, it is done in order to discover the truth : the torture can only be administered during one hour at one time, but may be repeated twenty-four hours afterwards ; *I had therefore no necessity to make a*

“ second application to the superior tribunal for  
“ that purpose.

“ Q. Previous to the capture of the island by  
“ the English, was there not an appeal from the  
“ decisions of the Alcaldes in ordinary to the  
“ Governor in Council, or to himself as the chief  
“ magistrate of the island ?

“ A. No.

“ Q. To whom was such an appeal ?

“ A. To the royal Audience of Caraccas, or  
“ the superior tribunal.

“ Q. Was there not an intermediate tribunal  
“ of appeal at Cumana, nor any other inferior  
“ tribunal there ?

“ A. No.”

I shall state the opinion of Mr. Farfan, a gentleman who was Alcalde of the first election, and who knew the island from his birth.

*Mr. Farfan, on Oath.*

“ Q. Are you a graduated advocate ?

“ A. No.

“ Q. How came you to accept the office of  
“ First Alcalde ?

“ A. Because it is not necessary to be a gra-

“ duated advocate to accept the office, and be-  
“ cause, when elected, a fine is imposed on refusal,  
“ and many other disabilities.

“ Q. Not being a graduated advocate, why  
“ did you not call on one to be your Assessor?

“ A. Because there was none in the island after  
“ the departure of Don Juan Jurado, *who went*  
“ *off* the island according to the orders left by  
“ General Sir Ralph Abercromby soon after the  
“ conquest. *I think that order is to be found*  
“ *among the instructions left with Mr. John Ni-*  
“ *hell*, who was directed to act according to his  
“ conscience, without the aid of a lawyer, and that  
“ sentences given without the aid of a lawyer  
“ were to be equally valid.

“ Q. Do you conceive the instructions left by  
“ Sir Ralph Abercromby to Judge Nihell binding  
“ on you and on all succeeding Alcaldes?

“ A. Certainly.

“ Q. Was the crime of Louisa Calderon of  
“ such a nature as to legally authorise the ap-  
“ plication of such torture to her?

“ A. Yes.”

*Mr. St. Pe, on Oath.*

“ Q. How long have you been resident in this Colony ?

“ A. Twenty-eight years and upwards.

“ Q. Had you any public employment during the Spanish government ?

“ A. I was Regidor in 1784 and in 1787 ; I was also Alcalde de Barrio the two following years, and commandant of the quarter of La Brea afterwards.

“ Q. Had you any public employments after the conquest of the island, and what were they ?

“ A. I was a member of a committee of seven inhabitants, which was established here for the judging negroes accused of poisoning : I believe it was in the year 1800. I was Alcalde in ordinary, elected by the cabildo in the year 1802 : I was re-elected in 1803. I am not now in any public employment.

“ Q. Are you a graduated advocate ?

“ A. No.

“ Q. How came you to accept the employment of Alcalde, without being a graduated advocate ?

“ A. Because planters are nominated to the si-

“tuation without being a graduated advocate, “and obliged to accept it under penalties and “incapacities.

“Q. In the several criminal and civil suits “which you have decided as Alcalde, did you “ever call in a graduated assessor?

“A. It was impossible, there being none.”

Such are the depositions of the Escrivano Castro, Judge Nihell, Mr. Begorrat, Mr. Farfan, and Mr. St. Pè, as to the opinions they held of the qualifications and powers of Alcaldes of the first and second election at the time of the conquest of the island.

The next question in order is, the powers which it was generally, and without any contradiction, disbelief, or denial, maintained that the English Governor possessed in the colony. I shall first state the opinions of the Escrivano- and Alcaldes as before, and then examine the point in another shape.

POWERS OF THE ENGLISH GOVERNOR  
IN TRINIDAD,

ACCORDING TO THE OPINIONS OF THE ESCRIVANO,  
ALCALDES, AND CHIEF JUDGE NIHELL.

*The Escrivano Castro, on Oath.*

“ Q. After the conquest of this island by Great Britain, what tribunal of the colony supplied the place of the royal Audience of Caraccas ?

“ A. His Excellency the Governor.

“ Q. You have said, that after the conquest of this island, the Governor supplied the place of the royal Audience of the Caraccas ; on what do you found such an answer ?

“ A. On the verbal declaration of the Governor himself.”

*Mr. Begorrat, on Oath.*

“ Q. What do you understand by the Superior Tribunal ?

“ A. His Excellency General Picton, in whom was united all the civil and criminal power of

“ the Audience of Caraccas since the capture of  
“ the island.

“ Q. You consulted General Picton as the su-  
“ perior trbunal, and there being no graduated  
“ advocate to appeal to ?

“ A. Yes, because it was the rule of the law.

“ Q. You say that General Picton was invested  
“ with all the civil and criminal authority of the  
“ Audience of Caraccas : who invested him with  
“ that authority, and do you know of your own  
“ knowledge that he was so invested ?

“ A. I was named Alcalde of the first election  
“ for the year 1801. *I found that my predecessors*,  
“ since the conquest, considered that the superior  
“ tribunal was vested in his Excellency the Go-  
“ vernor. I adopted the same rule of conduct,  
“ because I had no authority to ask him to pro-  
“ duce his commission ; all I know of my own  
“ knowledge is, that in a proclamation of General  
“ Abercromby’s, immediately after the conquest,  
“ it was stated that an appeal might be made from  
“ the decisions of the tribunals of the island, when  
“ the cause of action amounted to 500*l.* sterling,  
“ to his Majesty’s Privy Council in England,  
“ making no rule respecting actions for inferior  
“ sums in which, before the conquest, an appeal  
“ might have been made to the Audience of Ca-  
“ raccas.

“ Q. Did that proclamation state any alteration  
“ in appeals in criminal matters ?

“ A. I don't recollect.

“ Q. You say that your skill in the Spanish  
“ laws is derived from books of authority within  
“ your power, and that you have no other  
“ means of acquiring a knowledge of these  
“ laws : according to the best of your skill, state  
“ to the Court whether the supreme tribunal in-  
“ tended to supply the absence of a graduated  
“ advocate did not require a person at least as  
“ well skilled in the laws, as that advocate, to  
“ fill such situation ?

“ A. No, as an English Governor.

“ Q. Did General Picton, *as such superior*  
“ *tribunal*, order Louisa Calderon to be picketed?

“ A. Certainly.”

*Mr. Farfan, on Oath.*

“ Q. Did you ever see the order by which  
“ Don Juan Jurado\* was sent off the is-  
“ land ?

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\* The Assessor to the former Government.

“ A. I have said it was public, and *I believe*  
“ *it is in the Instructions?*

“ What did you understand by the superior  
“ tribunal?

“ A. The person of General Picton, in whom  
“ all the powers, civil and criminal, of the Au-  
“ dience of Caraccas were united.

“ Q. How do you know that General Pic-  
“ ton composed the superior tribunal, and that  
“ all the powers, civil and criminal, of the Au-  
“ dience of Caraccas were united in him?

“ A. Because, at the conquest of the island,  
“ by the instructions left by General Aber-  
“ cromby to Mr. John Nihell, he was or-  
“ dered to continue the functions of his situa-  
“ tion, according to the instructions of Gene-  
“ ral Picton concerning *civil* matters, but in  
“ *criminal* matters the sentence was to be exe-  
“ cuted *with* the approbation of General Pic-  
“ ton, of course *that* constituted him the su-  
“ perior tribunal.

“ Was Mr. Nihell Alcalde of the first elec-  
“ tion at that period, and where are all these  
“ instructions recorded?

“ A. He was, and the instructions are co-  
“ pied into the book of the Cabildo, in which  
“ all other orders and commissions are regis-  
“ tered.

“ Q. Did you conceive these instructions  
 “ binding on you, and on all other succeeding  
 “ Alcaldes ?  
 “ A. Certainly.”

*Mr. St. Pé, on Oath.*

“ Q. What did you consider after the con-  
 “ quest as the superior tribunal of the colony ?

“ A. General Picton, because the Audience  
 “ of the Caraccas had no further jurisdiction,  
 “ and on account of the obligation under which  
 “ we were placed, to refer to the approbation  
 “ of General Picton.

“ Q. Were any instructions of Sir Ralph  
 “ Abercromby’s known to you respecting that  
 “ point ?

“ A. It was public and notorious that Gen-  
 “ eral Abercromby had given instructions to Ge-  
 “ neral Picton, but I did not see them. I  
 “ judged from the ample instructions given to  
 “ Mr. Nihell, by Sir Ralph Abercromby.”

I have now fully and I trust satisfactorily  
 shewn the legal power which the Escrivano and  
 Alcaldes possessed, or conceived they possessed,  
 in criminal causes, before and after the conquest.

I have also stated their opinions of the authority or power with which the English Governor was invested by the instructions of Sir Ralph Abercromby. But as it may be objected that the punishment of Louisa Calderon took place in the latter end of the year 1801, and at a period when Colonel Picton had received his commission as Governor and Captain General of the island, with the royal instructions for his direction in the government of Trinidad, I have annexed a Copy of these Instructions in the Appendix, No. II. and shall here only make an Extract of such parts as correspond to my purpose, which is to shew, that these instructions did not diminish the powers which he before possessed by the orders of Sir Ralph Abercromby, and under which he acted from the 1st of March 1797, until those instructions came to his hands in September 1801. It is directed by Clause the 5th as follows,

“ It is our will and pleasure, that for the present the temporary administration of the island should, as nearly as circumstances will permit, be exercised by you according to the terms of the capitulation hereunto annexed, *in conformity to the ancient laws and institutions that subsisted within the same previous to*

“ *the surrender of the said island to us, subject*  
“ *to such directions as you shall have, or here-*  
“ *after receive, from us under our Signet or Sign*  
“ *Manual, or by our order in our privy Council,*  
“ *or to such sudden or unforeseen emergencies*  
“ *as may render a departure therefrom abso-*  
“ *lutely necessary and unavoidable, and which*  
“ *you are immediately to represent to one of*  
“ *our principal Secretaries of State for our in-*  
“ *formation; but it is nevertheless our special*  
“ *command that all the powers of the executive*  
“ *government within the said island, as well*  
“ *civil as military, shall be vested solely in*  
“ *you Our Governor, or the person having the*  
“ *government of the said island for the time*  
“ *being, And that such powers as were hereto-*  
“ *fore exercised by any person or persons sepa-*  
“ *rately or in conjunction with the government*  
“ *of the said island, shall belong solely to you*  
“ *our Governor, or to the person having the go-*  
“ *vernment of the said island for the time being;*  
“ *and it is our will and pleasure, that all such*  
“ *public acts and judicial proceedings, which,*  
“ *before the surrender of the said island to us,*  
“ *were in the name of his Catholic Majesty,*  
“ *shall henceforth be done, issued, and per-*  
“ *formed in our name.”*

This Extract clearly proves that His Majesty's Ministers were aware of, and perfectly understood, the relation and inseparable connexion of the Spanish Governor of Trinidad with the royal Audience of Caraccas, and as they had determined to continue the Spanish Courts of Judicature in that colony, they naturally and wisely armed the English Governor, or Executive, with the power of the superior Spanish tribunal, without which it is now manifest, he would have had little more authority than one of the Alcaldes who acted under him. I shall not dwell longer on this subject. I do not know that it has been questioned ; but to silence all objections on the business, and because I shall hereafter have occasion to refer to it, I thought it right to explain it.

These material points being settled, the next question is, what was the criminal law that subsisted in Trinidad, previous to the surrender of that island ? It is ascertained, that there existed but two codes of Spanish law relative to the Spanish colonies ; or to express myself more correctly, that in aid of the old Spanish or Castilian law, a compendious code was formed for the use and government of the Spanish West India colonies, by His Catholic Majesty, Charles

II. in the year 1681, called, "Recopilacion de  
" Leyes de los Reynos de las Indias, Mandada  
" imprimir y publicar par la Majestad del Rey,  
" Carlos II. 1681."

This code, or compilation, did precisely what a code framed under such circumstances should do; that is, it enacted all such laws and regulations as were thought suitable, and best adapted to the *local circumstances* and particular situation of the countries they were designed to regulate or govern, but emanating as it did from the parent state, it was not necessary that a code of laws differing *wholly, essentially, and entirely* in *its principles*, should be framed for these colonies. This would be a piece of wild nonsense or madness that might have suited the Abbe Sieyes or the revolutionists of *New France*, but certainly did not agree with the temper and disposition of the Monarch of Old Spain in the year 1681, and accordingly we find in the outset, in the royal preface to vol. I. page 4. or declaratory law signed by the king, that it simply and clearly declares its object, and the limits of that object; it says

*Recopilacion de las Leyes de las Indias Carlos  
IL 1681.*

Ley que declara la autoridad que han detener las leyes de esta Recopilacion.

—“ Que las Indias sean Gobernadas solamente por las Leyes de esta Recopilacion, guardando, en defecto de Ellas, lo ordenado por Ley 2º. Titulo 1º. Libro secundo de esta Recopilacion.”

Which Extract translated runs thus,

“ The Indies are to be governed by the laws contained in this Recopilacion, HAVING RECOURSE, WHERE THEY ARE SILENT OR DEFECTIVE, TO WHAT IS ORDERED BY THE 2D LAW, 1ST TITLE, AND 2D BOOK OF THIS RECOLPILACION.”

This second law alluded to is as follows,

**Ley 2. Titulo 1º. Libro 2º.**

“ Que se guarden las Leyes de Castilia en lo que no estuviere decidido por las Leyes de las Indias.

" Ordinamos y Mandamos que en todos los  
 " casos, negocios, y Pleytos, en que no estuvi-  
 " ere decidido ni declarado lo que se debe pro-  
 " veer por las Leyes de esta Recopilacion, o por  
 " Cedulas, Provisiones o Ordinanzas dadas, y  
 " no revocadas para las Indias, y las que por  
 " nuestra Orden se despacharen, se guarden las  
 " Leyes de nuestro Reyno de Castilia, con-  
 " forme a la Ley de Toro, asi en quanto a la sub-  
 " stancia, resolucion, y decision de los Casos,  
 " Negocios y Pleytos, como a la forma y Or-  
 " den de substancias."

## TRANSLATED.

" The *Laws of Castile* are to be observed in all  
 " cases not determined by the laws of the Indies.

" In all cases, affairs, and causes, the deter-  
 " mination and judgement of which cannot be  
 " found in the laws of the Recopilacion, or in  
 " the Cedulas, Diplomas, or Ordinances given for  
 " the Indies and not repealed, and those we may  
 " hereafter dispatch, we do order and command  
 " that *the laws of our Realms of Castile be adhered*  
 " *to*, conformably to a law of *Toro*, for the sub-  
 " stance, resolution, and decision of affairs and  
 " causes, as well as the form and order of the pro-  
 " ceedings."

Again, in Book 2. Title 2. Law. 13.

**Ley 13. Titulo 2. Libro 2.**

“ Que las Leyes que se hizieren para las Indias sean lo mas conformes que ser pudiere a las de estos Reynos.”

**TRANSLATED.**

“ That the laws to be made for the government of the Indies be as conformable as possible to those of these kingdoms.”

**Libro 2. Titulo 15. Ley 17.**

In Book 2. Title 15. Law 17.

“ Que en las Audiencias de las Indias se guarden las Ceremonias de las Chancillerias de estos Reynos de Castilia, en lo que no estuviere especialmente determinado.”

**TRANSLATED.**

“ That the Audiences of the Indies conform to the ceremonies observed by the Chanceries of these our kingdoms of *Castile*, or whatever is not especially determined by the *Recopilacion*.”



## Libro 2. Titulo 15. Ley 66.

## Book 2. Title 15. Law 66.

“ Mandamos a las Audiencias que en el cono-  
 “ cimiento de los negocios y pleytos, civiles  
 “ y criminales guarden las leyes de estos nu-  
 “ estros reynos de Castilia en los casos que por  
 “ las de este libro no huviessemos dado especial  
 “ determinacion, y provean de forma que los  
 “ delitos no queden sin castigo dentro y fuera  
 “ de las cinco leguas.”

## TRANSLATED.

“ It is our commands that the Audiences, in  
 “ the cognizance they take of all affairs and  
 “ causes, civil and criminal, conform to the  
 “ laws of these our kingdoms of Castile, and  
 “ whatever is not specially determined by the  
 “ laws of this book, and they are to take care  
 “ that crimes do not go unpunished within  
 “ their jurisdictions.”

Libro 7. Titulo 8. Ley 3. de la *Recopilacion de*  
*Indias.*Book 7. Title 8. Law 3. of the *Recopilacion of*  
*the Indies.*

“ Somos informados que en las Indias hay  
 “ muchos Testigos falsos, que por mui poco

" interes se perjurian en los Pleytos y Negocios  
 " que se ofrecen, y con facilidad los hallan quat-  
 " tosse quieren aprovechar de sus deposiciones :  
 " —y porque este delito es grande ofensa de Dios  
 " nuestro Señor, y nuestra, y perjuicio de las  
 " partes, Mandamos a las Audiencias y Justicias  
 " que con mui particular atencion provean  
 " averiguar los que cometen este delito, casti-  
 " gando con todo rigor a los Delinquentes  
 " conforme a las Leyes de nuestros Reynos de  
 " Castilia pues tanto importa de Servicio de Dios  
 " y Execucion de Justicia. "

TRANSLATED.

" We are informed, that in the Indies there  
 " are many false witnesses, who for trifling  
 " reward perjure themselves in the suits and  
 " processes which offer, and that they are easily  
 " procured by those who are desirous of bene-  
 " fitting by these depositions ; and because this  
 " crime is a great offence against God and  
 " ourselves, and of great injury to the parties,  
 " we order all Audiences, Justices, &c. that  
 " they search out and discover those who com-  
 " mit this crime, punishing with every degree of  
 " rigor the delinquent, conformable to the laws  
 " of our kingdoms of Castile ; it being important

“ to the service of God and the execution of  
“ justice.”

Let us now state the laws of the kingdom of Castile, as far as they relate to the subject of my Address, I mean that of picket, or torture.

*Recopilacion de las Leyes de estos Reynos hechas por mandado de Sa Majestad Catolica Don Philipo 2º nuestro señor, Madrid 1581. Libro 2º Titulo 7. Ley. 13.*

*Recopilacion of the Laws of these Kingdoms, (or of Castile) made by order of His Catholic Majesty, Philip II. Madrid 1581. Book 2. Title 7. Law 13.*

“ Que los Alcaldes no condenar a question  
“ de tormento sin preceder sentencia; y a los  
“ hidalgos los guarden sus privilegios, y sin  
“ embargo de qualquier costumbre o estilo  
“ guarden lo que es derecho en esto.

“ Porque somos informados que los Alcaldes  
“ quando mandan poner a question de tor-  
“ mento, no dan sentencia ni la firman, porque  
“ no se puede ver si son conformes o no, para  
“ que el condenado pueda suplicar o alegar de  
“ su derecho, y que lo mismo se ha acostum-

" brado en todas las otras justicias, aunque  
 " sean de muerte, y que solamente dan un  
 " mandamiento para que el alquacil execute  
 " sin notificar lo al delinquente, porque no  
 " apele, y que han tormentado a muchos hi-  
 " dalgos, aunque no sean casos enormes, y  
 " porque esto es causa mui grave, y contra  
 " todo derecho y leyes, mandamos que sin  
 " embargo de qualquier costumbre o estilo que  
 " en esto pretendan tener, ellos y los pasados;  
 " en el procedes y terminar los negocios asi ci-  
 " viles como criminales guarden las leyes y  
 " mandamientos de nuestros Reynos y no  
 " exceden de ellos."

**TRANSLATED.**

" The Alcaldes are not to condemn to the  
 " question or torment without sentence; viz.

" Being informed that the Alcaldes, when  
 " they order the application of the question or  
 " torment, do not give previous sentence and  
 " sign it, so that there is no seeing whether  
 " they act conformably or no, that the con-  
 " demned might petition or allege his right,  
 " and that the same is the custom in all cases,

“ even those affecting life ; and that they only  
 “ give an order to the alguazil to execute it  
 “ without notifying it to the delinquent that  
 “ he might not appeal ; and that they have  
 “ tormented many esquires, or hidalgos, even in  
 “ cases of no enormity. And as this is a most  
 “ serious case, and contrary to the laws, we or-  
 “ der, that notwithstanding any custom they  
 “ now pretend to have, in the proceeding and  
 “ determination of all affairs, civil or criminal,  
 “ they keep the laws and ordinances of these  
 “ kingdoms, and do not exceed them.”

Libro 6. Titº. 2º. Ley 4.

Book 6. Title 2. Law 4.

“ Ordinamos que ningun hijodalgo pueda ser  
 “ preso ni encarcilado por deuda que deva,  
 “ salvo sino fueré arrendador o cogidor de nu-  
 “ estros pechos y derechos, porque en tal caso  
 “ el mismo quebranta su libertad. Y asimis-  
 “ mo mandamos que ningun hijodalgo pueda  
 “ ser puesto a tormento porque antiguamente  
 “ fue asi otorgado por fuero.”

TRANSLATED.

“ We order that no esquire or hidalgo be ar-  
 “ rested or imprisoned for any debts he may

“ have contracted, except as renter, or collector of our revenues, in which wise, he is the vitiator of his own liberty ; and we also order that no esquire to be put to the torment. for such was anciently his privilege.”

Thus far the laws of the Recopilacion for the Indies, and those of the kingdom of Castile, on which they are founded. As for the Trinidad Cedula, it merely contains an enumeration of the advantages or grants of land, and commercial privileges, to such as were inclined to become settlers in that colony, and does not mention, in a single instance, the laws, either civil or criminal.

If the learned gentleman who talked of those laws, and made those bold assertions, had, “ by the help of his French,” taken the trouble to inspect and *construe*, as he said he could, the two codes of laws between which he maintained there is such an essential difference and distinction, he would have found, that the objects of both are directed to similar ends and purposes, that they are framed on similar principles, that is to say, they both enact and repeal certain laws and ordonnances, but looking to *great leading principles* they both state general provisos or excep-

tions. I have already shewn, in the Royal Preface or Declaratory Law of the *Recopilacion de las Indias*, page 100, that “in all cases, affairs, and causes, the determination and judgement of which cannot be found in the laws of the *Recopilacion*, or in the cedulas, diplomas, or ordinances, given for the Indies, and not repealed, and those we may hereafter dispatch, we do order and command, that the laws of our realms of CASTILE be adhered to conformably to the LAW OF TORO, for the substance, resolution, and decision of affairs and causes.” In precisely the same temper, spirit, and principle does the declaratory law of the *Recopilacion de Castilia*, Libro 1. Folio 1. (which declares the authority which the laws of that book are to have,) refer to the Partidas, and the Law of Toro.

This declaratory law DE CASTILIA is as follows, and is extracted from the “Recopilacion de las Leyes de estos Reynos hechas por Mandado de la Majestad Catolica del Rey Don Philipo Segundo nuestro Señor. 1581.”

TRANSLATED.

“ A Recopilacion of the Laws of these Kingdoms, made by Order of His Catholic Majesty, King Philip II, in the Year 1581,”

“ Contienense en este Libro las Leyes hechas  
 “ hasta Fin del año de mil y quinientos y ochento  
 “ y uno excepto las Leyes de Partida y del Fuero,  
 “ y del Estilo y tambien vean en el las Visitas  
 “ de las Audiencias.

“ Con Privilegio de Sa Majestad.”

**TRANSLATED.**

“ There are contained in this book the laws  
 “ made until the end of the year 1581, except  
 “ the Laws of the Partida, the Fuero, and  
 “ D'Estilo; and there are likewise contained  
 “ in it the Visitation of the Audiences.

“ With permission of His Majesty.”

**Libro 1. Folio 1.**

“ Ley y Pragmatica que declara la autoridad  
 “ que han de tener las Leyes de este Libro.

“ Executense las Leyes de este Libro, aunque  
 “ sean diferentes o contrarias a las otras Leyes o  
 “ Capitulos de Cortes y Pragmatica que antes el  
 “ ahora ha havido en estos Reynos; los quales  
 “ queremos que de aqui adelante no tengan

“ autoridad alguna, ni se juzque por ellas, sino  
 “ solamente por las de este libro, guardando en  
 “ lo que toca a las Leyes de las Siete Partidas y  
 “ del Fuero lo que por la Ley de Toro esta  
 “ dispuesto y ordenado : y quedando asi mismo  
 “ en sa fuerza y vigor las Cedulas y Visitas que  
 “ tienen las Audiencias en lo que no fueren con-  
 “ trarias a las Leyes de este Libro.”

## TRANSLATED.

## Book 1. Folio 1.

“ Law which declares the authority which  
 “ the laws of this book are to have.

“ These laws are to be obeyed although they  
 “ may be different and contrary to the other  
 “ laws, pragmatic sanctions, &c. which have  
 “ hitherto obtained in these kingdoms, and  
 “ which it is Our Will from henceforth shall be  
 “ of no authority, nor shall they judge by them  
 “ but solely by those of this book, *conforming*  
 “ *in whatever respects the Laws of the Partidas*  
 “ *and Fuero, to what is ordained and directed by*  
 “ *the Law of Toro.* And the Cedules and  
 “ Visitations of the Audiences are to remain in

“ full force and vigor, when they are not contrary to the laws of this book.”

Let my reader compare the declaratory laws, or royal prefaces, signed by the King, of both codes here stated, and he will immediately feel a perfect conviction that they are founded on the same principle. The *Recopilacion de las Indias* refers to the “ Laws of the realms of *Castile* in “ every thing that is *not found* in the *Recopilacion de las Indias*.” What necessity, therefore, was there to enact criminal laws in that *Recopilacion*? It tells you where they are to be found ; it neither changes or alters, but actually adopts, orders, and commands their practice and enforcement. Mr. G. might as well tell me, that the laws of torture were abrogated and abolished by the *Recopilacion of Castile*, because there is no *particular* specification of the particular statutes for torture, and simply contains the *exceptions* which I have adduced respecting the *Alcaldes* condemning to the question “ without sentence.” “ And that no Esquire be put to the torment,” referring always or “ *conforming in whatever respects the Laws of the Partidas and Fuero to what is ordained and directed by the Law of Toro.*” I shall not strengthen this argument by saying, that in both cases, *Exceptio probat*

*Regulam*; but having an opinion of Mr. G.'s *profundity*, I shall refer him to the laws of the Partidas, Fuero, and D'Estilo for their detail of those particular laws on the subject of torture, and leave to myself a future opportunity of *proving* to Mr. G., from law authorities beyond doubt or controversy, that torment continued in 1802 to be the Law of Spain, and consequently, as I have maintained and proved, the law of Trinidad. Should I take up the examination of this question on a broader principle than I have thought necessary to do in this statement, I hope to be able to give a more copious view of the laws than the narrow limits of this paper will permit me. But I trust I have adduced sufficient authority to prove the particular point which I intended, and which I here maintain, viz. That the criminal laws of Old Spain are neither abrogated, repealed, or superseded by the *laws of the Recopilacion de las Indias*, upon the assertion of which Mr. G. obtained a verdict; and that these laws are as fully, completely, and substantially in force in the colonies, as they are in the heart of the capital of Madrid, where I have indisputable living evidence that punishments to extort confession are at this moment in use and practice."

I am aware that this part of my subject is dry and uninteresting; I shall not trespass much longer on my reader's patience, and shall solicit his attention to the following enumeration of those old Spanish law books of authority which were received and acted upon as such in the colony of Trinidad. These are Elizondo, Curia Philipica, Bobadilia, and Colom.

These books are chiefly commentaries on the Recopilacion of Castile, and the Partidas; I shall state such laws from these authorities as appear to appertain to my subject.

*Curia Philipica, No. 16. Folio 227.*

“ The accomplice in a crime is not a sufficient evidence against another (his companion) agreeable to a law de Partida, except in crimes of high treason, coining, that against nature, notorious theft, and in all those which cannot be committed without accomplices. In all which cases being admitted, he is to be fully examined in the cause of him against whom he gives testimony.”

An accomplice not a sufficient evidence, except in crimes of robbery, theft, &c.

*Antonio Gomes.*

*Curia Philipica, No. 2. Folio 229.*

The question to be applied in confirmation, where the proof is not sufficient.

“ The question of torment is to be applied for confirmation and proof, there not being sufficient.”

*Curia Philipica, No. 4. Folio 229.*

In crimes where the question is applicable to the delinquent, it is applicable to the witness who prevaricates.

“ In the same crimes for which the question is applicable to the delinquent, in the same it is applicable to the witness who varies or prevaricates in his evidence, or who denies the truth, or who refuses to declare it, there being a presumption that he knows it, not being of those persons to whom the torment cannot be applied, according to a law of Partida and its Gregorian Glossary.

“ And in the same crimes for which the torment is applicable to the delinquent, in case an evidence of low vile character and bad morals is admitted, he is to testify under torment, otherwise his evidence is of no validity.”

*Law de Partida.*

*Curia Philipica, No. 12. Folio 230.*

“ The torment that may be ordered to the delinquent for the crime, may also be ordered to force a declaration from his accomplices (if there be appearance or presumption that he had any) in crimes of high treason, coining, that against nature, *theft*, &c., as well as in all others which cannot be committed without accomplices ; in all which those who are so may be admitted as evidences.”

The question ordered to the delinquent for the crime, may also be ordered to force a declaration from the accomplice.

*Antonio Gomes.*

*Elizondo Pratica Universal Forense Judicio Criminal, No. 12. Folio 277.*

“ The appearances to authorise the application of the question should be weighty, apparent, urgent, and probable, and not light, doubtful, and equivocal, except in hidden crimes, and of difficult proof, such as *theft*, sodomy, crimes committed at night, coining, &c., in which the slightest are sufficient to authorise a departure from the ordinary forms of law, and the receiving of such proofs as can be met with.”

Appearances to authorize the question.

*Elizondo Pratica Universal Forense, Judicio  
Criminal, No. 5. Folio 275.*

“ To know what appearances are sufficient,  
“ and without which satisfactorily proved, the  
“ torment cannot be ordered, except in atro-  
“ cious crimes, or the accused refusing to an-  
“ swer the questions affirmatively or nega-  
“ tively, or the persons against whom the sus-  
“ picions exist, being entrusted with the care  
“ of property, of a town, or an inn-keeper,  
“ for thefts committed in the places under  
“ their charge.” *Vide Fannacio de Judiciis.*

Slight ap-  
pearances  
authorize  
the applica-  
tion of the  
question a-  
gainst a per-  
son entrust-  
ed with the  
care of pro-  
perty stolen.

*Curia Philipica, Judicio Criminal, No. 18.*  
Folio 230.

“ The species of torment, and the quality,  
“ is not determined by the law, but left to the  
“ arbitrament of the Judge, according to the  
“ complexion of the delinquent, the crime,  
“ and its appearances, though he should not  
“ make use of new torments, but the usual  
“ ones, such as dropping of water, small cords  
“ and pulleys, and of such nature.” *Vide*  
*Law de Partida and Gregorio Lopes.*

Small cords  
and pulleys  
much se-  
verer than  
the picket,  
as they fre-  
quently oc-  
asion loss  
of life.

*Bobadilia de la Politica*, Folio 964. No. 22.

“ In high treason, *theft*, *robbery*, parricide, and crimes of an atrocious nature, the suspicions being strong, and the accused hardened, lawyers are of opinion that unusual torments may be applied.”

In case of theft, robbery, &c. the suspicions being strong, and the accused hardened, unusual torments may be applied.

*Bobadilia*, Folio 965. No. 25.

“ In applying the torment juridically, though the criminal should die, or lose the use of his limbs, the Judge cannot be answerable for it, according to common opinion, and a Law de Partida, which says, ‘if the Judge order any man to be tormented for any offence he may have committed, in order to discover the truth, he cannot be answerable for any wounds he may have received.’ And I well remember, that in the jail of this Court, an assassin died under torment, and another had his arms broken, without any consequences.”

In applying the torment juridically, though loss of limbs and life should ensue, the Judge is not responsible; a strong proof of the severity of the question, according to the Spanish mode of applying it.

*Curia Philipica, Judio Criminal*, Folio 231.

No. 16.

“ There are to be present at the torment only the Judge, Escrivano, executioner and

To be present at the question, only the Judge, Ex-privano, Ex-escationer, and persons tormented. " person tormented. And it is to be given in a secret place, without any other person being present or in hearing."

### *Law de Partida.*

*Bobadilia de Politica*, Folio 962. No. 16.

The Judge may order the question without previous communication to the accused.

“ In notorious, concealed, and atrocious offences, charged against wicked persons of evil fame, if the Judges order the question or torment upon slight evidence or suspicion, and in the information and summary mode, without communication to the accused, as is the common opinion, they shall be held exculpated in residencia, though Paris de Puteo says, That it is only allowable to superior Judges and not to inferior ones: but I know that the contrary is the practice, and in twenty-one years that I was Corregidor and Judge, I always practised it in such cases, and though I was accused in residencia, I was always acquitted. And in the superior Council, in the account that I rendered of the Corregidorship of Soria, they approved of the torment I ordered on summary information to Sarazola and other robbers, whom I caused to be apprehended in Navar and Arragon in the year 1773.”

*Bobadilia, Folio 959. No. 10.*

“ If the action is for having committed any one unjustly to prison, I say, if the crime is of a serious nature, although the accused shall not have confessed it, he may not only be put in irons, but into the stocks and in chains: but if it is for a slight offence, he ought not to be put in irons.”

Persons charged with crimes of a serious nature, may not only be put in irons, but also may be chained, and put into the stocks.

*Bobadilia de la Politica, Folio 966. No. 26.*

“ There is another kind of complaint against a Corregidor in residencia for judgements not conformable to law, and this kind is divided into two parts, the one when the Judge in his sentence erred merely from ignorance, or want of knowledge, and the other when he was actuated by malice or corrupt motives. With respect to the first, I say, that a Judge may be punished for it, as it is a great fault in any one to be ignorant of the art he professes, and of the office of Judge which he has voluntarily taken upon himself. Ignorance of the law can excuse very few, particularly professors of the law. But many lawyers are of a different opinion, and say,

Judges punishable only for such false judgements as proceed from corrupt motives.

“ that Judges are punishable only for corruption, malice, &c. and not for errors of judgement proceeding from ignorance ; and this is observable every day in the royal Audience, for though sentences of the inferior judges are frequently reversed, they are not condemned in any penalties.”

*Bobadilia, Folio 966. No. 27.*

“ For as the Judge who solicits and accepts an office, being incapable, commits a great fault, particularly if he does not examine the facts and study the law that he may conform to it, (for inferior judges are tied down to the law,) so that if through ignorance, imprudence, negligence, or confidence in himself, he does an injustice to the party, he may be accused in residencia, and condemned in whatever costs and damages the party may have suffered. But according to Anores de Isernia, Gregorio Lopes, and others, if the Judge in the examination of facts and law used diligence, and without deceit or fraud used his best endeavours, he ought not to be condemned, although he may have erred in some things, for the defect proceeds from

“ the imbecility of human nature, and ought  
“ to be pardoned.”

*Bobadilia, Folio 970. No. 31.*

“ In what touches the satisfaction that the  
“ Judge in conscience ought to make in the  
“ above cases, I say, that if through malice,  
“ he prejudiced or injured the party, he ought  
“ to be obliged to satisfy him fully to the ex-  
“ tent of the injury, but, if through ignorance  
“ only, then there is this distinction, if the  
“ Judge solicited and sought the office, he is  
“ subject to costs and damages, but if, on the  
“ contrary, he was elected or compelled to  
“ accept of it, he shall not be obliged to pay  
“ any thing.”

An elected  
Magistrate  
who is com-  
pelled to  
accept of  
the office,  
not respon-  
sible in da-  
mages for  
erroneous  
judgement.

*Bobadilia de Politica, Folio 926. No. 64.*

“ Those whom a Judge had condemned or  
“ imprisoned, are not sufficient evidences against  
“ him, (in residencia) because they are actu-  
“ ated against him by hatred, and always per-  
“ suade themselves that the condemnation and  
“ imprisonment were unjust, and that the  
“ Judge was the accuser. And naturally then  
“ with facility, justify and pardon themselves,

Those  
whom the  
Judge con-  
demned or  
imprisoned,  
are not suf-  
ficient evi-  
dence a-  
gainst him.

“ and inculpate and calumniate the Judges who  
 “ either condemned or imprisoned them. And  
 “ for either of those causes it is natural to pre-  
 “ sume that they are actuated by hatred  
 “ against them.”

*Bobadilia*, Folio 926. No. 65.

Persons of  
 low, vile  
 character  
 cannot be  
 admitted e-  
 ven with  
 torment, as  
 evidences  
 against a  
 judge ac-  
 cused in  
 residencia.

“ Persons of low and vile character and repu-  
 “ tation, or unknown, ought not to be admit-  
 “ ted witnesses, even with torment against offi-  
 “ cers of justice, under residencia, though ac-  
 “ cording to law they may be admitted with tor-  
 “ ment against other persons in criminal causes.”

*Bobadilia*, Folio 923. No. 54.

The ac-  
 cuser, or  
 instigator  
 cannot be  
 admitted.

“ The accuser, denunciator, promoter, or  
 “ instigator, or who dictated the articles of ac-  
 “ cusation for another to present, for the same  
 “ doctrines and reasons cannot be admitted an  
 “ evidence for the other accusers.”

*Bobadilia*, Folio 923. No. 55.

The advo-  
 cate or at-  
 torney for  
 the accuser  
 cannot be  
 admitted.

“ The advocate or attorney of the accusers,  
 “ although not employed in the cause for which

“ they bear evidence, cannot be admitted as  
“ evidence free of exception.”

*Bobadilia*, Folio 925. No. 62.

“ The conspirator, and conjurator, to promote the residencia and accuse the Judge, and assist with their persons, money, counsel, or other means, cannot be admitted as unexceptionable evidence.”

*Colom.* Book 2. Folio 143.

*Colom.* Tom. 2. Folio 143.

“ El Juez imperito en letras o en derecho es llamado Lego, y en los Pleytos y Causas que pendieren ante el deve assessorarse o acompañarse con Adyogado aprobado, siendo sobre algun articulo que consista su determinacion en punto de derecho y en las sentencias definitivas, dando antes noticia a las partes interessadas del Assessor que nombrare para que si quisiesen innovarle de su derecho o recusarle por sospechoso para que el Juez nombre otro, por ser esta de su Eleccion o arbitrio en virtud de la Ley 2º Titulo 21. Partida 3.—pero para los demas proveidos que atienden al ritual del Pleyto no se necessita ni practica assessorarse de Letrado, sino solo del

“Escrivano de el, por ser de su Obligacion a  
“saberlo y evitar costas y diligencias.”

## TRANSLATED.

“The Judge who is not educated to the profession of the law is called *Lego*, and in all processes and causes carried on before him, he is required to assessorate or accompany himself by a graduated advocate *when he decides on points of law*, and in definitive sentences, giving notice to the parties interested of the Assessor named, that if they choose they may except to, or refuse him as suspicious, that the Judge may name another, which is at his election and arbitrament, in virtue of Law 2d. Title 21. Partidæ 3—*but for all other provisions which respect the ritual of the cause, it is not the practice to make use of a graduated Assessor, but only of the Escrivano of the cause, whose duty it is to understand it, and to avoid costs and damages.*”

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The code of criminal law existing in the island at the time of the conquest, being thus

fully and fairly laid down to my reader, and the proceedings which were taken in the case of Louisa Calderon being circumstantially detailed, the public are now to judge whether His Majesty's gracious instructions were fulfilled, that is, whether "the temporary administration of the island was, "as nearly as circumstances permitted, exercised by Colonel Picton according to the "terms of the capitulation hereunto annexed, "in conformity to the ancient laws and institutions that subsisted within the same, previous "to the surrender of the said island to us," &c. &c. in the particular case of Louisa Calderon.

But for a further and additional proof of this most important part of the question, I shall again have recourse to that undefiled source of information, "the proceedings before the Court "at Port of Spain," present, His Excellency the Lieutenant Governor.

*The Escrivano Castro, on Oath.*

"Q. Did you attend Mr. Begorrat in his "character as Judge at any, and what times,

“ when Louisa Calderon was put on the  
“ picket?

“ A. Yes, the time will appear in the pro-  
“ ceedings.

“ Q. Was Louisa Calderon placed on the  
“ picket, examined as a witness, or as an ac-  
“ cessary?

“ A. Not as a witness, but as an accessory.

“ Q. What are the extrajudicial examina-  
“ tions which are omitted in the examination of  
“ Carlos Gonzales taken before the tribunal of  
“ Mr. Begorrat, and why are they omitted?

“ A. I remember they were concerning the  
“ discovery of the robbery and the fornication  
“ aforesaid. I do not know why they were omit-  
“ ted. *I cannot charge the fault on the Judge,*  
“ *or on myself, because both of us acted so as to*  
“ *bring the affair to as speedy a determination as*  
“ *possible, and to discover the truth.*

“ Q. Do you believe that the defendant,  
“ Colonel Picton, acted in the whole of the  
“ prosecution, respecting the robbery of Pedro  
“ Ruiz, with impartiality, and without being  
“ influenced by any other consideration what-  
“ soever, than the attainment of the ends of  
“ justice?

“ A. Yes, I believe so.

“ Q. Did not the defendant, Colonel Picton, administer justice generally as far as his knowledge went in the Spanish law?

“ A. I believe so.

“ Q. Did the defendant ever give you any orders respecting the torturing of Louisa Calderon?

“ A. None but the decree.

“ Q. Did he interest himself in any way, on the subject?

“ A. Simply as he considered all the affairs of justice.

*Vallot the Jailer, on Oath.*

“ Q. Had you ever any communication either directly or indirectly with Brigadier General Picton, respecting the prisoner, Louisa Calderon, after her first commitment?

“ A. General Picton never spoke to me about her, nor did I ever receive any orders from him about her.

United, but with much difficulty, and at length.

" Sir I ought to make out oral examination  
**Don Hilariot Begorrat, on Oath.**

" Q. During the proceedings by you, as  
Judge, did General Picton interfere in any  
manner as the superior Judge, and did he  
chalk out to you any formalities, or neces-  
sary measures to adopt?

" A. No, some time in the course of the  
proceeding he asked me if the money was  
found, but nothing else.

**Don Francisco de Farfan, on Oath.**

" Q. Did General Picton ever give you any  
orders to put Louisa Calderon in irons, or in  
any manner interfere respecting her confine-  
ment?

" A. No, in no circumstance whatever.

" Q. Did you finish the prosecution of Louisa  
Calderon?

" A. Yes, as far as to the final sentence.

" Q. Did it appear to you that she had been  
justly committed and sentenced?

" A. It would be ridiculous to think that she  
was not guilty, after the proofs in the pro-  
cess, wherein it appears that she introduced

“ Carlos Gonzales, with whom she had carnal intercourse, into the room of Pedro Ruiz.”

I believe I have now travelled through the whole of this question, as far as the laws of Old Spain, and those of the Recopilacion for the West India colonies are concerned. I have demonstrated from them, and from persons who practised those laws under the eye and cognizance of the Spanish Governor, and the Royal Audience of Caraccas, what those laws are, and how, and in what manner they were exercised. I have laid down those legal authorities, which from undoubted testimony, were proved to have been the chief source and guide of Spanish practitioners in Trinidad. I have quoted the criminal laws of Old Spain, of Castile, and of Partidas; I have proved their application to that island; I have examined the Recopilacion de las Indias, on which the counsel for the prosecution laid so much stress, and on the misapplication and perversion of which, and on this alone, I maintain that they obtained a verdict. I have made out clearly and explicitly that by no rule, law, or regulation, contained in that compilation, as I have said before, “ are the criminal laws of Old Spain abrogated, repealed, or superseded, “ and that those laws are as fully, completely,

" and substantially in force in the colonies, as  
" they are in the heart of the capital at Madrid;  
" where I have indisputable living evidence,  
" that punishments to extract confession, are at  
" this moment in use and practice."

I have shewn how far the power of the former Governors extended; I have pointed out it's inseparable connexion with, and it's obedience in all definitive sentences to, the Royal Audience of Caraccas. I have stated the transactions which occurred at the conquest, the material and vital changes which took place at that time, in the very essence of those laws. I have adduced the instrument by which that overthrow was effected. I have printed Judge Nihell's instructions, and notwithstanding the use and exercise of their laws and ancient institutions thereby given, I have manifested that at the very moment in which Sir Ralph Abercromby was, with that wisdom and humanity which belonged to him, granting the inhabitants this liberal gift, he felt himself so encompassed with difficulties and distresses arising from, and out of, the former misgovernment; that he is betrayed into a *seeming* inconsistence and indiscretion, which a superficial observer may arraign and condemn, but which, on a nearer investigation,

tion, he will find to have been the result of a discriminating intelligence, of a perfect and just comprehension of the *people*, the *place*, and the *circumstances*, which he was called to direct.

By considering the kind and quality of this population, by combining the circumstances of a weak and miserable Government, by looking at the evil consequences which a system of misrule, chicane, and disorder, had produced upon this ill-organized rabble, the reader will then be able to appreciate the good sense, and excellent understanding, which directed that great man to give such large discretionary authority, to a person, whom he thought would exercise (as I flatter myself Colonel Picton did,) that large authority to the best and most useful purposes. It is evident that Sir Ralph's principle of acting in this determination, arose entirely from considering the confusion, anarchy, disunion, and disorder, which he saw prevalent in the country, and he wisely concluded, that an active and honorable man, left unfettered in the forms of administration, or even in the extent of his powers, was just in that situation in which a person should be placed in the colony, after he had once formed (contrary to the expectation expressed in His Majesty's instructions to him,) K 2

any hope of *retaining* the possession. He said to Colonel Picton, and the expression was well known to have been repeated to many, " I have placed you in a trying and delicate situation, and to give you any chance of over-coming the difficulties opposed to you, I can- not leave you a strong garrison, but I shall give you ample powers." He said " execute Spanish law as well as you can. Do justice according to your conscience, and that is all that can be expected from you. His Majes- ty's Government will be minutely informed of your situation, and no doubt will make all due allowances."

If any testimonies were wanting to shew the general state of the island at the period of the conquest, the alarming degree of insubordination which revolutionary principles had produced among such a discordant and heterogenous mass of materials, as the population of the island afforded, I would refer my reader to them in the Appendix, No. III. in which, from the same source of authority, (the depositions on oath of the most respectable persons of the island at the time,) this state is fully proved. But my oppo-sents may say, this is not to your particular design; our subject is Louisa Calderon, and not

the state of the colony. To such persons I shall observe, that I have already, from the magistrate's declarations, or interrogations on oath, I mean a copy of the process itself against Louisa Calderon, from the evidence of all those persons concerned in it, from the Escrivano Castro, the Alcalde Don Hilario Begorrat, who commenced the process, and who recommended the punishment to the Governor, and who saw it inflicted, from the other Alcalde, Don Josef Farfan, who concluded the proceedings; from the acknowledgment of the culprit herself in her extrajudicial examinations; from the testimony on oath of the jailer, Vallot; from the united declaration of every man who had a part in it, that the proceedings were carried on with an observance of the most cautious and regular forms. I have proved also from the evidence of the Escrivano, who on this occasion ought certainly to be considered an impartial witness,\* from those of the Alcaldes, and the

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\* He was prosecuted by order of the two Commissioners in Council, Sir Samuel Hood and Colonel Picton, for illegally and collusively delivering up the records of the colony, of which he was the sworn keeper, to Mr. Fullarton. He was tried before the Alcaldes, and dismissed from his regidorship of the Cabildo, suspended from the office of Escrivano, and fined 330 dollars, costs of suit, &c.

jailer Vallot, that Colonel Picton did not interfere in the smallest, in any part of the process, and conducted himself throughout with that impartiality that became his station, "without being influenced by any other consideration than the attainment of the ends of justice,"† and in the teeth of those incredibly villainous and scandalous reports, which have been circulated on this point,‡ from all those, I say, I feel confident, that I have so far performed the promise I made to the public, in the beginning of this letter, viz. "that so far from any violation being offered to the laws which Colonel Picton was directed to administer in the case of Louisa Calderon, the most minute and scrupulous observance of the most minute and scrupulous forms of that law, was rigidly adhered to throughout; and that in every connexion and relation in which it can be viewed, it will be pronounced according to the laws of the tribunal under

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† Castro's own words.

‡ I have requested a friend to ask Colonel Picton, if he ever saw Louisa Calderon either before, or since the day of her commitment to jail for the robbery. He assured him, on his honor, he never did, nor from that day, until he saw her in Westminster Hall.

" which she was born, and under which the  
" habits of her mind and feelings took their  
" rise, a fair, impartial, just, and honorable  
" trial."

I have taken no notice of some insinuations that have been spread abroad respecting the treatment of Louisa Calderon in prison, and the length of time she was confined there: for correct information on the *first* point, I refer my reader to Appendix, No. IV. And as to the *second*, the reader has had from Castro the Escrivano's own declaration on oath, page 126; "*that no fault is to be laid either to the Judge, or himself; that they both acted so as to bring the affair to as speedy a termination as possible; and to discover the truth.*" Independent of this, an inspection of the process, No. I. Appendix, will convince the reader, from the dates in the margin, that the detention in jail was the inevitable consequence of the minute attention to the forms and procedure of the Spanish law, and cannot be charged as a fault either on the Escrivano, the Alcaldes, or the Governor. The objection of a defensor is, I conclude, given up on the part of the prosecution as untenable; and as to Louisa Calderon being under age,

the attempt to prove this circumstance is so creditable to the genius of Mr. Fullerton and his Assessors, Mr. Smith, alias Vargas, alias, alias, and Mr. Juan Montes, that I reserve it for particular elucidation.

There is, however, another point of the question which deserves a little more consideration, and I have assigned it a distinct place in my investigation, from the use which has been very generally made of it, and from the important share which has been assigned to it in the turpitude which even some well meaning persons have thought proper to attach to this punishment: It is this; that notwithstanding all the force of the law authorities which we have brought forward, and even granting that the code of the Recopilacion made no alteration in the old Castilian code; presuming that the punishment of picket, or torture, was pronounced to be legal in Trinidad; still it has been proved incontrovertibly, that the punishment of Louisa Calderon is the first instance of such a sentence being ever inflicted in that island. The witnesses called to prove this part did certainly agree upon the point; and Mr. Begorat himself, at the conclusion of his declaration, page 67, candidly acknowledges, that it was the first time he ever had recourse to it.

" during the whole time of his Alcaldehip," and in a period of twenty-one years that he lived in the island, and frequently filled that respectable office.

If the objection be intended (which I presume it is) to insinuate, that the Spanish government of Trinidad, in the former administrations, was so conscious of the injustice of the principle, and of the ill effects of its practice, as to suspend the execution of the criminal laws in this respect; if it is intended to shew, that the opprobrium thus attached to it in the Spanish time is increased and aggravated by its being executed, and put in force by a decree of a British Governor, I very much fear that the authors of this sort of reasoning will take nothing by the argument. For, in the first place, it is false in point of fact. I assert, that the Alcaldes were, in the habit of ordering summary punishments, equally severe, and much more painful, on occasions of prevarication of the accused or accomplices, or indeed in any other cause that they conceived merited this sort of torture. I know, from authority that this was actually the case. I state from the information of Mr. Gourville, a gentleman of considerable fortune and high character, who appeared on the trial, who had filled the first offices under the government, and resided

in Trinidad for twenty-six years, and who is yet in this country, and may be referred to, that the Alcaldes were in the constant habit, and, he affirms, legal habit, of ordering different kinds of summary punishments for prevarication: That to come at the truth, when a good probable cause was made out that it was concealed, punishments of various kinds were practised on both mulattos and blacks. They were sometimes ordered a hundred lashes to oblige them to confess; sometimes their thumbs were bound tightly together with cords, and then the shoulders were thrown back, and their arms tied tightly together behind, as we see done with rogues, I believe, in this country, who are taken up on strong suspicions, to be brought pinioned to jail: sometimes their heads were put through a sort of stocks to the neck, and lying on their bellies, in this position they remained for a very considerable time.

This was very general on all the coasts, particularly of Cumana and Angustura. But it may be asked, Why did not Mr. Gourville state this on his examination? The reason is evident, and must have been observed by any person who was by, and saw the most dissatisfactory and

distressing way in which the evidence of the witnesses was delivered: interpreters were employed who neither understood the languages, nor seemed to me to possess common sense. But independent of this, Mr. Gourville totally misunderstood the nature of the word *torture* which was put to him. Mr. Gourville never thought that the punishments, which the Magistrates or Alcades were in the habit of ordering according to law, were *tortures* in the vulgar and common acceptation of that word. Mr. Gourville was in the act of explaining the sort of punishment which I have described, and others which I have not troubled my reader with detailing, when he was stopped by the Counsel; I say stopped by the *Counsel*, and prevented from giving that information which he was called upon to give. Well might Mr. Gourville cry out, "Jamais! Jamais!" of which Mr. Garraw, with inverted ingenuity, made such generous and *just* use. Torture, in Mr. Gourville's comprehension of the word, was certainly not the picket, but an application of far greater severity, which in the ordinary kind most frequently occasioned dislocation, and other serious injuries; and in the extraordinary, such as breaking on the wheel, was generally followed by death. These were the modes of torture to which Mr. Gourville gave the emphatical "Jamais!" and

which Mr. Garrow tortured directly into a flat and full denial of the practised but painful duties in the station of an Alcade.

I therefore maintain, that the recognition of the *principle* and *practice* of this sort of punishment is thus complete, and its full and entire establishment as a law and practice of the country in the *greater cases*, such as that of Louisa Calderon's, where the process was carried on before the Governor's tribunal, is marred *only* by an ordonnance, or regulation, which required all the inferior tribunals to transmit their sentences to the Royal Audience of Caracas for approbation, mitigation, or rejection.

But in cases of importance, where large robberies were committed, in cases of burglaries, my reader is long since informed, that the Trinidad government had not the power to punish, or to inflict their own sentences, or to execute their own decrees. These were all sent, sometimes with, and sometimes without the prisoner, to the Caracas; and instances are not unfrequent of the culprit and the decree being both returned to Port of Spain twelve months and more after they had been sent away by the Governor, *with orders for the execution of the prisoner*, and when every circumstance respecting him

and his crime was almost entirely forgotten. Independent of this, I must remind my reader, that in such a case as Louisa Calderon's, the punishment was not for a crime actually committed, but, according to the principle of the Spanish law, it was to extract a declaration (from an accessory in a robbery which had been circumstantially proved, and acknowledged by the party,) of *what they had done with the money so plundered*. If it became necessary to send such preliminary sentences as these to the Royal Audience of Caraccas, there must be an end to all government; you could not only not inflict a sentence for ascertained delinquency, or conviction of guilt, but you could not go the previous step which those laws allow, to discover the fact of commission or perpetration, on such grounds of suspicion as their ablest Jurisconsults recognize just and reasonable. In all minor cases it has been shewn, that the *Alcaldes* were not restrained in the exercise; in cases of magnitude the law interfered and prevented them. And surely in a case, which has been pronounced and acknowledged by magistrates of great experience, men who had lived for more than twenty years in the colony, as superior in magnitude to any within the scope of their remembrance; in a case which involved consequences of a very serious nature, where the

confidence between the master and servant is destroyed to such an extent as to swallow up the whole fortune of a poor and industrious hard-working man, who had, by the closest industry and the most attentive vigilance, collected a sum which constituted his all ; I say, in such a case, it appears to me that the vigorous and unqualified condemnation of a Spanish law sentence being executed upon a Spanish person, whose habits of mind and feelings, as I have before said, were formed and settled by those laws, who had for her whole life lived under the severe operations of them \*, and who had never known any other ; I say, that in such circumstances, the man who arraigns either the conduct of the magistrate who tried the case, and recommended the sentence, or the determination of the Judge who followed that magisterial recommendation as the sentence of the law and the rule of his conduct, may possess *feelings* which, abstractedly taken, do credit to his heart ;

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\* It may seem to some persons, I suppose, rather an aggravation of this imputed crime to state, that Louisa Calderon was of a class esteemed *vile* in the eye of the Spanish law ; and of a profession that subjected her to the utmost severity of treatment on all criminal occasions.

If it should be so considered, let it be remembered, at the same time, that the defect (if there be one,) is in the law, and not in the magistrate who executes it.

but I will be bold to say, in the face of the People of England, with the blood of an Englishman flowing in my veins, and with the honest and unaffected practice of humanity and charity, which I trust have ever marked my actions and conduct in life, that such a man does not possess an *understanding*, which, when called into action in difficult and trying situations, will either add to his own reputation, or to the permanence and stability of the British Empire. Is there any man of common sense, who will say that a British officer, as soon as the accidents of service place him in a situation where his total ignorance of the laws, customs, and manners of a newly conquered people must be pre-supposed, and where he is required and directed to act only according to the best of his judgment, that a miracle is to be wrought upon his understanding, and that he is to be immediately filled with a complete knowledge of all the statutes, old and new, all the ordinances, ancient and modern, by which that country ever has been governed? Will any man look me in the face, and say this without laughing at me? Colonel Picton, I hope, had not such vain and conceited notions, as to suppose, that his judgement had been defecated of all human errors,

that the limits of his comprehension were suddenly extended, and without an hour of previous study, without practice, or principle, he was to be instantaneously versed in the recondite knowledge of a deep, and often obscure Spanish jurisprudence. Can any considerate or reflecting person persuade himself, that when there were men of talents and experience\* to advise, direct, and instruct him in a new system of legal practice, Colonel Picton could have the folly, the temerity, the criminal effrontery to take upon himself, after a short residence in the country, to direct those very persons in the practice and execution of those laws which they had been administering for the greater part of their lives? If there be a person who entertains such contemptible opinions of the understanding and conduct of Colonel Picton, I must say, that they know him or think him a very different man from what I do. No, Colonel Picton did no such thing; his great object was to encourage and support

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\* Perhaps there is not a British possession in all the West Indies, that afforded two men of greater natural talents, and of more experience, than the island of Trinidat, I mean, Mr. Black and Mr. Begorat, with whom Colonel Picton consulted on all difficult occasions.

the magistrate in the execution of his duty ; he knew from experience, the invaluable consequences which had derived to his government, from the ardent and zealous protection which he offered to every officer under his command, civil and military. Peace, order, tranquillity, and happiness, extension of commerce and of agriculture, all these, and much more, were the result of a close and uninterrupted attention to the administration of justice in every department. What was it that produced those honorable and unquestioned testimonials found in the whole course of the interrogatories in the body of the return to the mandamus so often alluded to ? Why have those active and zealous magistrates come forward when their praise or eulogium could be of no use or interest to themselves, except where the foul breath of such a calumniator as Mr. Fullarton would scandalously insinuate, that they were leagued and colleagueed with him in crimes, and combined and united in a system of tyranny, oppression, and blood. Is it natural, is it reasonable, is it fair, nay is it possible to suppose, that when the Escrivano Castro brought up the recommendation from the magistrate, and with all the concomitant forms usual and necessary on such occasions, explained the proceedings,

and virtually acting in his capacity as Assessor, dictated, literally dictated, *totidem verbis*, the sentence of the law; that at such a conjuncture, and under such circumstances, Colonel Picton could be actuated by any sentiment, but an obedience to that law and that form, of which he had been, during the whole course of his administration, labouring diligently, and unremittingly to extend the benefits, by precept, by persuasion, and by example? That any thing of tyranny, malice, or ill-will, or any sordid passion could intermingle itself towards a low and unhappy culprit, whom he had never in his life seen, is utterly incomprehensible, except by persons who possess more of the mind of an evil spirit, than a human being. Can it be believed, that the author of this prosecution, Mr. Fullarton, had in his possession for weeks, the original of the very copy of the process of which I have given the heads in the Appendix? that he must have been fully master of all the formalities and attentions which were paid to the smallest forms of that law by the Alcaldes who conducted it? and yet with all this staring him in the face, with the most perfect conviction of the base principles on which he grounded this charge, and in spite of all the compunctions and visitations of a troubled conscience, yet

did he persevere, true to the motto which he has prefixed to his last book, which, for the amusement of my reader, I thus translate :

“ *Tu ne cede malis, sed contra audentior ite.*”

Ne'er let disgrace, disaster, or dismay  
 Arrest your progress, or obstruct your way;  
 Be bold in wickedness, absolv'd from shame  
 Let ev'ry vice degrade, and brand your name.

And now to a most material and a most curious part of this inquiry. Attributing, as I do, by far the greatest part of the obloquy which has been thrown on Colonel Picton for his observance and attention to the administration of the laws which he was directed to administer, to *means and practices*, of which I shall produce some specimens before I close this letter, and which in point of atrocity perhaps exceed any that ever were resorted to in the most licentious period of our history, with every due allowance and consideration for the effects which the machinations of the most malicious and subtle enemy could produce; still I cannot cease to wonder and to ask, how it is possible, that some persons of sober minds and impartial judgements could be so far (influenced I shall not say) but deluded by representations to

which it must baffle even common credulity for one moment to give credit or reception. Let me ask one plain and simple question; why has all this noisy and vaporous representation of tyranny, of inhumanity, of cruelty, and all the other epithets which vulgar malice could suggest, been crammed down the throats of the people of this country? Let me demand, and I challenge an answer from any man in the nation, lawyer or no lawyer, of whatever state or profession—What crime has Colonel Picton been really guilty of in the punishment of Louisa Calderon? Has he been accused of, or indicted for a breach of an English or British law? No. Is he accused of punishing a British subject contrary to a British statute?—No. Did the Grand Jury of Middlesex find a true bill against him for a wanton infraction of an act of parliament?—No. Was he tried by the Court of King's Bench on such a charge?—No such thing. Was he even tried for a breach of *that law* under which he, and all the magistrates who acted with him, conceived and proved themselves bound by?—By no means. Was he convicted of a breach of any of those laws or ordinances?—I say, certainly not.—I announce to the people of England, and my character as a man of honor and veracity, is

staked and pledged upon the declaration, that Colonel Picton was convicted by a British Jury, on the statement or averment of law which does not subsist, which never did subsist, except in the bold assertion of Mr. Fullarton's counsel. He said, that Colonel Picton was bound to administer the law which he found in Trinidad at the time of the conquest. He maintained, that this was *not* the Old Castilian Spanish law ; it was the Recopilacion de las Indias :—I sat near him. He astonished me ! The noble and learned Judge heard him !—What shall I say, he believed him ! The Jury of course believed him, and they found accordingly !!

I have good reason here to implore my reader's patience, and I turn so to do with eagerness, anticipating that he has pronounced me a vain and conceited man to presume to arraign the opinions or question the knowledge of a person so high, and so eminent in the profession of the law. Let me entreat him to consider for one moment that I am not contesting with that learned gentleman on what is, or is not, the law of the British empire. This would be an arrogance and a folly for which I should well deserve the character of an ideot or a bedlamite : I am simply contesting a question of *general*

*information*, which I have a right, and am entitled to do; and on this ground, and this alone, is the learned gentleman my opponent. The learned counsel knows when assertion is better than reasoning. Here was no occasion for laborious research; no folios, no dates, no ancient authorities, no Edwards or Henrys, no *jus gentium* to refer to. A stout, firm, shall I say rash and brainless assertion, assured, satisfied, and convinced his hearers, and saved him all the trouble and labor of intellectual exertion.

What the law is which prevails, or does not prevail, in the Spanish West India colonies, I hold myself as competent to know, and to be a judge of, as Mr. G., or any other lawyer in England; and I shall lose all pretension to the reputation to which I aspire in this publication, if the next trial of Colonel Picton does not place beyond all doubt, question, or controversy, the law and the doctrine which I have maintained on the subject. Can any of my readers be surprised (I am sure they will not when they reflect) that I express myself in these strong and unqualified terms, when they are told that the day, the inauspicious day, I much fear, that the Court at Westminster Hall sat in judgment on this

important question, it virtually, I may say, resolved itself into a Spanish criminal court, (this is the fact, sophisticate it as you will,) feeling itself, and of course publicly declaring itself, perfectly skilled in, and competent to judge, all matters and things relating thereto.

I am no lawyer: I know nothing of the powers of the Court of King's Bench; it may be competent to take cognizance of every thing above the earth and below the earth, of aerial as well as of corporeal substances, for aught I know, or pretend to know; I barely state a fact, which no man can controvert, that the Court of King's Bench did, by the mere sitting in judgement upon the case of Louisa Calderon *versus* Thomas Picton; or, if my reader prefers the legal language, "The King against Thomas Picton, " Esq., did, I say, deem and pronounce itself armed with sufficient power, and endowed with sufficient knowledge and skill in the Spanish criminal law, to award sentence and pass judgement on the said Thomas Picton, Esq., in the case of Louisa Calderon. As the great Dr. Johnson said in some part of his Biographical Remarks, "I am now walking upon ashes, under which the fiery embers have not been yet extinguished." However, I neither mean nor intend the smallest

disrespect: for the noble and learned Judge who tried the case, I feel the most reverential respect; of the verdict of an English Jury I think as an Englishman should; in every case, situation, and circumstance connected with *English law*, the opinion and verdict of the Court of King's Bench is, in my mind, most sacred: but when that Court, by whatever power or privilege it may be sanctioned, came to resolve itself, as I have before said and re-assert, into a Spanish criminal tribunal, consequently declaring itself endowed with sufficient knowledge of that Spanish law to try and decide upon the justice or injustice of any act committed under its cognizance, it did what, I will venture to maintain, no reasonable man could expect it was, or could be, fairly, fully, and effectually: for all the purposes of the investigation of truth, or the due execution of that law, competent to do; what it was impossible, I say, it could do; and what I have proved that the verdict of that Court completely bears me out in saying that it did not do.

I hope and trust that I may not be misunderstood in what I have said on this subject; that it will not be supposed I am presuming to arraign the proceedings and the verdict

of the Court of King's Bench. Far from it; I firmly believe that that Court did all that could be done *under the circumstances*, "that it made the best of the case\*." It made endeavours and approximations to truth; but surely it is scarcely necessary to add, after what I have already said, that if there were but the single following circumstance to prove what I have been advancing, it would place the matter beyond doubt or contradiction; and that circumstance is this; that if the Court of King's Bench possessed all the knowledge and skill in the Spanish law which it is acknowledged, and to the honour, boast, and glory of England universally agreed, that it possesses of English law, would it suffer Mr. G. to rise up and advance *that* to be a law which does not exist? Would it suffer him, or any other lawyer, without contradiction, to maintain, in the face of the court, that in Jamaica or Antigua, or any other of our possessions, a system of laws, or an act of parliament, prevailed there which never were

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\* "With respect to the law of Spain, I may say, with great deference to the Noble Lord who presides in this Court, that of this he is supposed to have no knowledge whatever."

*Vide Mr. Dallas's Speech on General Pictor's Trial.*

enacted? Certainly not. If any lawyer could have been mad enough to have expressed himself in such an ignorant way, the Court would have instantly silenced him. Yet have we seen a man rise up, and boldly *assert*, without contradiction, stop, or opposition, that a system of law essentially differing in its *principle* and *practice* from the parent state, (a difference in itself seemingly unnatural and unreasonable,) was prevalent, still subsists, and takes place in the most obscure and insignificant corner of its colonies. After witnessing such a thing, can I hesitate from saying, that the trial was but an approximation to truth? No, it is impossible.

In investigating the *four* different parts of the charge against Colonel Picton which have passed under my examination, I trust that I have, to the entire conviction of my readers, unanswerably proved, that *three* parts of these four into which I divided it for the purpose of a more complete and distinct refutation, are utterly false, groundless, and scandalous; I mean, the *second* part, which charged him with punishing Louisa Calderon "under a *supposition of a robbery*;" the third part, in which an improper interference of Colonel Picton in her trial and punishment is insinuated, on account, as Mr. Fullarton

maliciously observes, " of Pedro Ruiz being " an agent frequently employed by Colonel " Picton." And the *fourth* part, which *states* " the punishment to be applied with such seve- " rity that she fell down in appearance dead, " and there was no physician or surgeon to " sist."—Vide Appendix, No. IV. I now come to that part, of which, in page 136, I have promised my reader a particular elucidation, and which I pledged myself to make so creditable to the genius of Mr. Fullarton. It stands first in the division, and is, " For the application of torture to " extort confession from Louisa Calderon, a " girl under fourteen years of age;" that is, to a person of that age whom the Spanish law exempts from punishment of that nature. I am of opinion, that Mr. Fullarton, in his eagerness to render this a full and *perfect* criminating charge, entire and complete in all its points and bearings, for a moment lost sight of the *original principle* on which he grounded the charge itself. The charge itself, taken wholly and altogether, was for torturing a Spanish girl. We shall for a moment go along with Mr. Fullarton in the principle, and forget the circumstances; and his indictment so far says, " for unlawfully, mali- " ciously, and without any probable cause, in- " flicting the torture on Louisa Calderon, one of

“ His Majesty’s subjects.” Had the charge, as it is placed in the council books of Trinidad; *ran thus*, or had the indictment been worded in *this way*, the thing would have been unqualified; but when the words, “ of under fourteen years “ of age,” are found in both, there seems a suspicion that Mr. Fullarton had, for a moment, as I have said, lost sight of his principle—*Ali- quando bonus dormitat Homerus!*—On the face of the indictment, it is difficult (except for a lawyer) for a man of common-place understanding to decide whether Colonel Picton is charged with “ unlawfully, maliciously, and without “ probable cause, torturing Louisa Calderon, “ one of his Majesty’s subjects,” or whether he is accused of “ unlawfully, maliciously, and “ without probable cause, torturing Louisa Cal- “ deron, *a girl under fourteen years of age.*” The difference (with submission to the lawyers) seems to me material, nay vital; perhaps I should say, to be understood by *them*, fatal; fatal for this reason, that if Colonel Picton is to be tried upon the charge of having, contrary to law, inflicted the torture on Louisa Calderon, “ *as* “ *under fourteen years of age,*” then the question of guilty or not guilty would depend entirely on the proof of her age; and this would be *all* that the jury should be permitted to consider.

and determine ; or, to speak intelligibly to the lawyers, " all that should go to the jury," or " all for their consideration ;" and to *my* dull legal optics this certainly seems to be the most natural meaning of the charge and indictment—because we are sure that torture to extort confession *was* the law of Spain : It is uncontradicted even by Mr. Fullarton and his counsel that it is *now* the law of Spain ; and if I have been able to prove that those criminal laws are in full force in the island of Trinidad, then I say, that the *qualification or exception* of his charge stands, and alone stands ; because it has not been attempted to be denied, excused, or palliated, that if Louisa Calderon could be proved to have been a minor, or under fourteen years, at the time she was punished, the magistrates, and consequently by implication Colonel Picton, would have been found to have acted illegally, and they would have been left without defence or plea of ignorance ; because according to those laws, as cited and proved by Mr. Begorrat, this question of age was the very first that should by law be put to Louisa Calderon in the commencement of the process, and which was actually put to her by Mr. Begorrat.

" Q. Did ever Louisa Calderon, in any stage

“ of the proceedinga before your tribunal, allege  
“ that she was a minor, and under the age of  
“ fourteen years?

“ A. No: on the contrary, in her first extra-  
“ judicial declaration, which I have already men-  
“ tioned, the first question put to her before the  
“ Escrivano Castro was as to her age and pro-  
“ fession; and she answered, *that she had passed*  
“ *fourteen years*; and as to her profession, she  
“ had been living with Pedro Ruiz, as his con-  
“ cubine, for near three years; which declara-  
“ tion left no doubt with me as to her age,  
“ as the law fixed the age of puberty at  
“ twelve years.”

The principle of torture, or the law which pre-  
vailed in Trinidad on this subject, was the simple  
question which was tried and found. The jury  
believed Mr. G.'s most unfounded and ignorant  
assertion that there *was no law*; and they natu-  
rally and justly found according as the law was  
*laid down by Mr. G.* But did they find Colonel  
Picton guilty of breaking the law, because Louisa  
Calderon *was* under fourteen years of age? No;  
the question was not agitated. And why was it  
not put to the jury according to the words, or  
counts, (begging the lawyers' pardon,) of the  
indictment? This is the very query that I am

now to answer, leaving all *my legal doubts*, as above described, as a bone for the lawyers to gnaw if they think proper.

There can be little doubt that Mr. Fullarton used every *honest* industry to ascertain with exactness the *precise* age of Louisa Calderon. The grossest part of his charge, I mean that part which, if it had been ascertained, would have aggravated Colonel Picton's imputed crime in the first place, but, what was more material to Mr. Fullarton's purpose, it would have had a greater popular *effect* in this country : the placards, and the posture master figures, the blacks and the whites, the spikes and the pulleys, and the whole *tasteful* apparatus of beautiful imagery that have been exhibited to the good people of London, and exported in waggon loads in octavos, duodecimos, and quartos cut down, in pamphlets, half pamphlets, all at reduced prices, to the wholesale and retail dealers in the country, all these have lost their fine relief and most glowing colour by the failure of that essential and integral part—the absence of the bloom and flower and blossom attending *Madeleine Calderon* when at *thirteen* years of age. Mr. Fullarton's honor and reputation were staked to prove it ; it was sworn before the grand jury ;

it was *put* to the petty jury; it was announced to all England, to the lieges of Scotland, to the *ladies* who received her on her landing at Glasgow, and who commiserated the hard usage of the tender and interesting young Spanish *Señora*: all the British empire rung with the intelligence; and the veracity of Mr. Fullarton was staked to make good the point. I have prefaced the business a little more circumstantially than I otherwise should, if I had not committed myself to exhibit Mr. Fullarton's genius in his endeavours to accomplish what he found a little more difficult to complete than he was first aware of: however, though he failed, there remains the hand of a master it is evident. *O artificem probum!* What was his first step? The register of her baptism—for I *cannot* deny that *Louisa is a Christian*. Copying the real register, or tearing out the page in which it was registered, would have been a clumsy piece of artifice, which would neither answer the purpose of an ingenious fraud, nor accomplish the object in view; What was to be done? The Priest! happy thought\*! The Reverend Father Josef Maria Angeles.

\* At furiis Caci mens effera, ne quid inausum.

Aut intractatum scelerisive dolive fuisse;

VIRG. ÆN. 8. l. 205.

Let us hear the Reverend and Holy Father.

Before the Court.

Present,

The Lieutenant-Governor.

*The Reverend Father Josef Maria Angeles,  
on Oath.*

The witness was here desired to produce the register; which he did.

“ Q. Does that book contain the register of the baptism of Louisa Calderon.

“ A. Yes.

“ The witness was desired to turn to the entry made in the register of the baptism of Louisa Calderon. He first shewed a memorandum on the date of September 1788, Folio 59 in 2; and afterwards he pointed out Folio 89. a c in 2 of the said registry, wherein was written as follows:—

## SPANISH.

" Luisa Parvula Hija natural de Maria del  
 " Rosario Calderon Proveniente de Cariaco  
 " Provincia de Cumana en Costa firma, nacio  
 " a viente y cinco de Agosto del año mil sete-  
 " cientos ochenta y ocho (y oy dia once de  
 " Septiembre del mismo año en esta Rectorial  
 " Iglesia la Concepcion de nuestra Senoria Par-  
 " roquial del Puerto de Espana siendo Madrina  
 " Luisa Villegas Parde libre acompañada de  
 " Juan Santiago Bacuba Pardo libre instruido  
 " del Parentesco Espiritual y demas Obliga-  
 " ciones en acto tan solemne contrahidas) fue  
 " segun las Formulas y Ceremonias del Ritual  
 " Romano baptizada solemnemente por el Pres-  
 " bitero D. B. Estovan Aneses y Arragon Sacris-  
 " tan de Cura Castrense Parroco Rector que  
 " soy de los nuevos Colonos de la Isla Trinidad  
 " de Barlovento, y de los Antiguos Habitantes  
 " del Puerto de Espana por S. M. C.

" De que soy fe

" B. JOSEF MARIA ANGELES."

## ENGLISH.

" Louisa, an infant, natural daughter of Maria  
 " del Rosario Calderon, coming from Cariaco, in  
 " the province of Cumana, on the Costa Firma,  
 " BORN THE 25TH OF AUGUST 1788, (and this  
 " day, the 11th of September of the same year,  
 " in this rectorial church the Conception of our  
 " Lady, the parish-church of the Port of Spain,  
 " Louisa Villegas, a free mulattress, being her  
 " godmother, accompanied by Juan Santiago  
 " Bacuba, a free mulatto, informed of the spi-  
 " ritual relationship, and other obligations, con-  
 " tracted by so solemn an act), she was, agree-  
 " able to the forms and ceremonies of the Roman  
 " ritual, baptized solemnly by the presbiter, Don  
 " Estevan Aneses, and Arragon Sacristan, mili-  
 " tary curate and parish rector that I am of the  
 " new settlers of the island of Trinidad to wind-  
 " ward, as also of the ancient inhabitants of the  
 " Port of Spain by his Catholic Majesty.

" To which I give faith,

" JOSEF MARIA ANGELES."

" ANESES."

“ Q. Is the manuscript in Folio 59 in your  
“ hand-writing ?

“ A. Yes.

“ Q. Is the entry in Folio 89 in *2* in your  
“ hand-writing; was it made at the time of the  
“ baptism of Louisa Calderon, or afterwards ?

“ A. It is in my hand-writing, and entered *two*  
“ *or three months afterwards.*”

Mr. Attorney General moved the Court that the Reverend Father Pedro Reyes Bravo, the Vicar-General of the Colony, be directed to inspect the book of registry of baptisms produced by the witness Josef Maria Angeles; and that he appear before the Court, and deliver on oath at the next meeting the observations he has then made upon such book, and the entries therein. This motion *objected to by Mr. Hayes, but over-ruled by his Excellency the Governor.*

*The Rev. Father Josef Maria Angeles  
continued.*

“ Q. How much time elapsed between the  
“ baptism of Louisa Calderon and the making  
“ of the entry ?

“ A. I believe one year or more.

“ Q. Do you mean to swear that the entry  
“ was fairly made, and that in the making of it  
“ you acted consistently with your duty as a  
“ priest, and your feelings as a conscientious  
“ man ?

“ A. Yes.

“ Q. Have you any doubt of the child having  
“ been baptized, and at the time mentioned in  
“ the memoranda ?

“ A. None.

“ Q. From what source of information was  
“ the exact day of the birth of Louisa Calde-  
“ ron ascertained as entered in the registry ?

“ A. The godfathers and godmothers came  
“ to me at my house, and desired me to bap-  
“ tize a child of such an age : the registry does  
“ not ascertain the age, or the colour, but only  
“ the baptism.

“ Q. Is the entry of Louisa Calderon's birth  
“ in the register book of baptisms conclusive  
“ as to the day of her birth ?

“ A. I never saw the child. I cannot swear  
“ to her birth. The entry is not conclusive of  
“ her age. I only had it from her godmother,  
“ godfather, parents, and relations.

“ Q. Was the information of her age given to  
“ you in writing ?

“ A. No, verbally.

“ Q. HAVE YOU GIVEN ANY TRANSCRIPT  
“ OR CERTIFICATE OF THE BAPTISM OF  
“ LOUISA CALDERON TO HERSELF OR  
“ ANY OTHER PERSON; IF SO, WHEN ?

“ A. I GAVE TWO TO DON JUAN MON-  
“ TES AND HER MOTHER, WHEN HE  
“ WENT TO LONDON FROM THIS ISLAND.

“ Q. WERE SUCH CERTIFICATES PRE-  
“ CISELY CONFORMABLE TO THE ENTRY ?

“ A. WORD FOR WORD.

“ Q. Then all you know about the baptism  
“ of Louisa Calderon is, making an entry of it  
“ in the register book from the paper given to  
“ you by the Sacristan ?

“ A. No other.”

There were many other questions put to this  
father, which I think unnecessary to copy : Mr.  
Fullarton may publish them if he pleases.

The Reverend Father, Don Pedro Reyes Bravo,  
attended in pursuance of the order aforesaid,  
and was duly sworn, according to his religion  
and situation.

“ Q. Are you the Vicar-General of this island?

“ A. I am the Vicar of the whole island.”

“ Q. Are you an ecclesiastical Judge in this colony?

“ A. Yes.

“ Is Don Padre Maria Angeles under your jurisdiction?

“ A. Yes.

“ Q. Have you, according to the order of the Court, examined the registry of the baptisms of Louisa Calderon in page 89, and the note relating to it in page 59, and what observations have you made upon it?

“ I have made my observations and put them on paper, and I beg leave to produce it to the Court.

“ *By the Court.* You can only recur to your notes to refresh your memory; but you must relate the observations which have occurred to you *viva voce*.

“ A. The first observation is; that the entry (la partida) of Louisa Calderon's baptism certifies her to have been baptized the 11th of September, 1788, in fo. 89, after the end of the book, entitled and signed 'the first book,' at the end of the year 1789. The second is,

" between the first and second books of the same  
" volume are found four pages, which appear to  
" have been left blank, either on purpose, or to  
" supply the omissions of the curate: twenty-  
" eight entries, entitled partidas extraviadas, are  
" placed without order or proportion, and at the  
" end of them is another note, signed to excite  
" attention to the said entries, a little below  
" which is written the word finis. After this  
" there remain two pages, and part of another,  
" between the finis of one book and the begin-  
" ning of the other, in which place are three  
" more partidas, of which the last is that of  
" Louisa Calderon, leaving after it a blank of  
" a page and a half, contrary to the usual cus-  
" tom. The third observation is, that the three  
" partidas, of which the last is that of Louisa  
" Calderon, though older by its date, were with-  
" out doubt entered the last, as appears by the  
" ink. The fourth observation is; that at the  
" end of the said partidas, after the signature  
" of the Curate, Don Josef Maria Angeles,  
" following the same line is written 'Dado el  
" certificado a ella,' and a line drawn through  
" it, which does not appear to be of more re-  
" cent writing than that of the entry. Fifth-  
" ly, the ink with which was written the memo-

" random in fo. 59, inserted in the last line of  
 " that page, namely, '*Luisa, Vease al folio 89*,'  
 " is quite fresh. Sixthly, among *las partidas*  
 " *extraviadas*, which are as many as thirty one,  
 " including that of Louisa Calderon, there are  
 " three of baptisms performed by the sacristan  
 " Aneses. Seventhly, the memorandum of the  
 " baptism of Louisa Calderon, although it might  
 " have happened to have been *mislaid*, ought to  
 " have been, as soon as it was given in, as well  
 " as the rest, entered by the Padre Josef Maria  
 " Angeles in the present book, and by no means  
 " in the place where it is: and it cannot there-  
 " fore be considered as a register, because it was  
 " made in pages left blank. *Therefore I consi-*  
 " *der the said entry of baptism of Luisa Calde-*  
 " *ron as of no authority whatever*, and very  
 " suspicious. I also demand permission to in-  
 " spect all the other registers up to this day, and  
 " particularly the old register book, for the pur-  
 " pose of making further observations.

The witness was then cross examined by  
 Mr. Hayes, on the part of the prosecution.

" Q. From whom did you receive the regis-  
 " try?

“ A. From the Clerk of the Court ?

“ Q. Has it been in your own custody from  
“ the time you received until you brought it  
“ into Court.

“ A. Yes ?

“ Q. Have you had any communication on  
“ the subject of the said registry with any one ?  
“ Are the observations you have made on it per-  
“ fectly your own ; or have you received assist-  
“ ance from any person whatever ;

“ A. I have consulted with myself, having  
“ the faculty of judging perfectly of the book.  
“ The observations I have just given to the  
“ Court are those which I made with the assis-  
“ tance of the Clerk of the Court.

“ Q. Are you Curate of Arima ?

“ A. I am Proprietario of Arima.

“ Q. Do you keep the registry of that cure ?

“ A. Yes ; and also of Saint Josef.

“ Q. Has it ever happened with you, that an  
“ entry of baptism has been omitted, some  
“ time after the ceremony of baptism was per-  
“ formed ?

“ A. Yes : but in the same book, in the same  
“ year, I make the entry, specifying that it be-  
“ longs to such a year.

“ Q. Supposing that you did not find it out

“ till the year was ended, would you insert the  
“ registry at the end of the year, or in what other  
“ part of the book ?

“ A. Supposing in the month of April, in  
“ the following year, I was to find a memoran-  
“ dum, I would enter it on the very day I found  
“ it, and mention that it belonged to such a  
“ year.

“ Q. Is such the general method or rule obser-  
“ ved in the registering of baptisms in the Ca-  
“ tholic church ?

“ A Yes.

“ You say that the entry of the baptism of  
“ Louisa Calderon appears suspicious to you :  
“ explain why you think it suspicious ?

“ A. Because I can give no credit to it.

“ Q. How does it appear suspicious ?

“ A. Because it is not entered where it ought  
“ to have been entered and on account of the  
“ other reasons already given by me.

“ Q. Do you suspect that the entry of the  
“ baptism of Louisa Calderon has been made for  
“ any improper purpose ?

“ A. I have already explained my way of  
“ thinking.

“ Q. How long have you known Josef  
“ Maria Angeles ?

“ A. I believe from the year 1764, when I  
“ first arrived.

“ Q. From the observation you have made  
“ on the general character of Josef Maria Ange-  
“ les, do you believe him capable of having  
“ made the entry with any other view than that  
“ of repairing an omission of an entry which  
“ ought to have been made previously ?

“ A *I never believed him to be a man of good  
faith, from the first day I saw him.*

“ Q. Have you had any personal differences  
“ with him ?

“ A. Never.

“ Q. Upon what particular acts do you found  
“ your opinion, that he is not a man of good  
“ faith ?

“ A. Because he has not been obedient to  
“ his superiors and has not fulfilled the duties  
“ of his ministry.

“ Q. When you speak of superiors, do you  
“ confine it to the orders of yourself, or of  
“ whom else ?

“ A. I mean all his ecclesiastical superiors  
“ who have been in this island during his resi-  
“ dence here.

“ Q. What degree have you taken in divi-  
“ nity ?

“ A. None.

“ Q. Is a licentiate in divinity considered as having taken a degree?

“ A. I do not know of Maria Angeles having any such title in divinity.

“ Q. With the exception of your appointment of Vicar-General of this island, are you the superior of Josef Maria Angeles?

“ A. No.

“ PEDRO JOSEF REYEZ BRAVO,

“ JAMES MEANY, Interpreter.”

*Maria Calderon (Mother of Louisa) on Oath before the Court.*

“ Q. WAS THE DAY OF YOUR DAUGHTER'S BIRTH REGISTERED IN ANY PARISH?

“ A. IT CAN'T BUT BE REGISTERED IN THE CHURCH.

“ Q. DID YOU EVER SEE THE REGISTER OF YOUR DAUGHTER'S BIRTH?

“ A. DON PEDRO VARGAS SHEWED ME A COPY OF THE REGISTER WHICH HAD BEEN GIVEN TO HIM BY THE CURATE.\*

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\* She had before replied to the Attorney General's question on oath, “ Can you read or write? A. No,”

" Q. WHO IS DON PEDRO VARGAS?  
 " A. HE WAS THE LINGUIST OF THE  
 " GOVERNOR WHO CARRIED AWAY MY  
 " DAUGHTER."

Don Pedro Reyes Bravo, the Vicar General, on oath, produced the following exhibit, and on his being duly sworn to the truth thereof, the same was filed and read.

SPANISH.

" V. Excelencia en la corte haviendome  
 " denado, como Juez Eclesiastico, y como su-  
 " perior del Padre Cura Don Jose Maria An-  
 " geles, verificar con puntualidad los Registros  
 " y Quadernos producidos por este, he desem-  
 " penado con la mayor exactitud la comicion  
 " que se me ha conferido, baxo del Juramento  
 " que he prestado concluyo me parecer con de-  
 " cir à Vuestra Excelencia, que despues de  
 " todas las circunstancias, con que se hayan  
 " afigidos los Registros y Quadernos sometidos  
 " a mi inspeccion, y sobre todo el encuentro  
 " de la Partida del ano de 86, en el Registro de  
 " los Antiguos Colonos, devo declarar, como  
 " declaro, que el certificado de Bautismo de Luisa

“ Calderon entrado en el folio 89 del Registro  
 “ por el Padre Cura Don Jose Maria Angeles es  
 “ Falso y de ningun Valor ; y que la hayada  
 “ en el Registro de los Antiguos Colonos deve  
 “ tenerse por la Verdadera. Y lo firmo en esta  
 “ Ciudad de San Jose de Oruna a los veinte y  
 “ uno de Mayo de mil ochocientos y cinco anos.

“ PEDRO JOSE REYES BRAVO.”

ENGLISH.

“ Your Excellency and the Court having  
 “ ordered me, as Ecclesiastical Judge and Su-  
 “ perior of the Curate Father Joseph Maria An-  
 “ geles, to examine and verify with punctuality  
 “ the Register and papers produced by the said  
 “ Curate, and having performed the commission  
 “ confided to me with the utmost exactness, I  
 “ have to report to your Excellency, upon the  
 “ oath I have taken, that, after a due consi-  
 “ deration of all the circumstances respecting the  
 “ said register, and particularly the entry made  
 “ in the year 1786, in the registry of the anci-  
 “ ent inhabitants, I ought to declare, as I do  
 “ hereby declare, *that the baptism of Louisa*  
 “ *Calderon, entered in Folio 89 of the register*

" by the Father Joseph Maria Angeles, Curate  
 " of the Port of Spain, is false, and of no value,  
 " and that that found in the register of the an-  
 " cient inhabitants is, and ought to be, regarded  
 " as the true one, which I sign in this city of St.  
 " Joseph of Oruna, the 21st of May 1805."

*Copy of the Register of the ancient Inhabitants  
 delivered by the Vicar-General.*

SPANISH.

" Luisa Antonia Parvula, en seis días de Sep' de  
 " mil setecientos ochenta y seis años: Yo Fr. Jph.  
 " Antº Alvarado Cura Coadjutor de la Parroqº  
 " del Puerto de España Certifico, que en esta  
 " Parroqº bautizé solemnemente puse oleo y  
 " Chrisma a Luisa Antonia de doce días nacida,  
 " hija de Maria Nunes Parda libre, fueron sus  
 " Padrinas Juan Santiago y Luisa Antonia a  
 " quienes adverthy su obligacion y espiritu paren-  
 " tesco y para que conste lo firmo y de ello doy  
 " fe.

" FR. JPH. ANTº ALVARADO."

## ENGLISH.

“ Louisa Antonio, an infant, ON THE SIXTH  
 “ DAY OF SEPTEMBER, 1786.—I Joseph An-  
 “ tonio Alvarado, Curate Coadjutor of the pa-  
 “ rish of Port of Spain, certify that in the parish  
 “ church I solemnly baptized with holy oil and  
 “ Chrism Louisa Antonio, twelve days old,  
 “ daughter of Maria Nunes, a free mulattress:  
 “ the sponsors were, Juan Santiago and Louisa  
 “ Antonio, whom I advertised of their spiritual  
 “ obligations, in confirmation of which I give  
 “ faith.

“ FRAN. JOSEF ALVARADO.”

The proof of Louisa Calderon's age may be supposed to be now established; but I shall give my reader further satisfaction in this curious and *interesting point*. I shall begin with the testimony of a person whom the generality of my male and female readers will consider authentic, the *gentleman himself* who had the felicity of *seducing the virtue*, and of *monopolizing* the charms, of this interesting young lady.

*Pedro Ruiz, on Oath.*

“ Q. When Louisa Calderon first came to live with you, was she a woman grown?

“ A. *Surely when a woman goes to live with a man, she must be full grown.*”

*Don Bermudas, Louisa's Defensor, on Oath.*

“ Q. Did not Louisa Calderon's mother inform you of the age of Louisa; and what was that age?

“ A. Yes; her mother informed me she was fourteen years and some months old.”

*Mr. Abraham Pinto, on Oath.*

“ Q. How long have you been in the colony?

“ A. Twenty-two years.

“ Q. Do you know Louisa Calderon?

“ A. I know the girl called Louisa, but I don't know how she got the name of Calderon.

“ Q. Do you mean by the girl called Louisa the girl that was imprisoned on account of the robbery of Pedro Ruiz?

“ I do.

“ Q. Do you know her age?

“ A. I supposed that she was of the age of my son, which is nineteen years old on the 14th of this month\*.

“ Q. From what do you form that opinion of her age, when did you first see her?

“ In my own dwelling house she was at school to a Mrs. Hasleton, who is now Mrs. Salazar. I saw her every day when she was in her mother's arms in the year 1786, about the months September, October, or November, when she was a sucking child, she frequented our house.

“ Q. Was your son baptized, and when?

“ A. In the year 1786.

“ Q. By whom?

“ A. By the Padre Alvorado.

“ Q. Have you got the certificate of the registry of the baptism of your son? if yes, produce it. (the witness then produced it, which was filed and read.)

“ Q. Did you procure it, and from whom?

“ A. I did from the priest Don Josef Maria Angeles.

“ Q. Is your recollection perfectly clear as to your having seen Louisa in the year 1786?

“ A. Yes, the latter end of the year.

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\* August 12, 1805.

" was fifteen, either a little more or less, if I remember right." The last question was repeated to the witness by desire of Mr. Hayes.

" 2d A. I cannot say with certainty, but I think I answered to the question of Mr. Hayes that Louisa Calderon was fifteen, at the time of her being put on the picket."

The Vicar General immediately followed up his report with a petition to the Lieutenant Governor respecting the great scandal which the Curate's conduct had brought upon the ecclesiastical character, and requiring that he should be suspended from his sacerdotal functions. He was in consequence removed from the curacy, and a prosecution instituted against him for forgery and perjury, which was carried to conviction, the definitive sentence being referred to the Vicar General, he being the competent Judge where an ecclesiastic was concerned. I am in justice also to state, that His Majesty's Secretary for the Colonial Department, on a representation being laid before him of the conduct of the Curate, and the evil consequences with which it was pregnant, did immediately send out an order to the Governor and Council of Trinidad, desiring an immediate investigation of the affair.

“ A. *I knew Louisa, she that was in prison for the robbery, who is now in London, and knew her mother also: it was the same person.*

“ Q. When you arrived in this island from Caraccas in 1786, what was the age of Louisa of whom you speak ?

“ A. *I can't say her age: she was a little little thing when I went to her house, it was to buy tobacco.*

“ Q. Do you not know that Louisa's mother had other daughters besides Louisa ?

“ A. I knew two others much older than her.

“ Q. *Will you positively swear that the same little child you saw in the year 1786, is the same person who was imprisoned for the robbery of Pedro Ruiz ?*

“ A. *Yes, I knew her, I swear and swear again, that it is the same.*”

### *De Castro, the Escrivano, on Oath.*

“ Q. You say in your answer to the 39th question in your examination on the part of the prosecution, that you did not know the age of Louisa Calderon at the time of her being put on the picket; *recollect yourself*, and say, if you can, what was her age ?

“ A. *I remember having declared that she*

Scotland at the time, and who writes as follows:—

“ A few weeks before I last left Scotland,  
 “ Mr. Fullarton arrived with his family from  
 “ Trinidad: at that moment I was in Ayrshire,  
 “ and mixed with several of his  
 “ friends; and dining one day at the (Lord  
 “ Provost's) Mayor's house in Ayr, mark my  
 “ astonishment! when I was told, that along  
 “ with Colonel Fullarton there had arrived,  
 “ with his lady, ‘ a Mademoiselle Louisa Cal-  
 “ deron,’ whom the Colonel and Mrs. F. pa-  
 “ raded about with them in their carriage,  
 “ introducing her wherever they went, as the  
 “ *blessed innocent* who was the devoted vic-  
 “ tim of Colonel Picton's tyranny,” &c. &c.

(Signed)                   “ JOHN DOWIE.”

“ *Trinidad, Sept. 8, 1805.*”

What will my honest countrymen say to this transaction? Colonel Fullarton, F.R.S., to be proved the chief leader and conductor in a business which would have added to the infamy of the man whose bones are now bleaching almost opposite the windows of the very mansion which

I am informed Mr. Fullarton *at present* inhabits, Let my Lords Buckinghamshire and Sidmouth, Mr. Adderley, and his other quondam respectable friends, be pleased to read this part over attentively, they will perceive and acknowledge that my case is made out, my proofs clear, unequivocal, and substantial.

I have now, therefore, finished my search; and I trust entirely to my reader's conviction and satisfaction, I have traced and detected the thief; I have hunted the plunder, and followed it to the receiver of the stolen goods. I have named the principal and the accomplices, and I have given my proofs \*. I shall not detain him longer; let the British Public now sit in judgment on them all, and pronounce which is the most infamous; the man behind the curtain, the unhappy Priest, the Alguazil Mayor, Don Montes, or the lawyer, Mr. Pedro Vargas Smith, (Mr. Fullarton's Linguist). A word only to my jury at parting with such respectable company.

Men of England, Such are the acts, and such are the characters, of the persons who have come

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\* Vide pages 166 and 173.

forward to vindicate the rights, and assert the liberties and *laws of Spain*. You will judge them not from what I say : for mark, my countrymen, I have said nothing from my own authority ; I have adduced my evidence from the depositions on oath of the most respectable, the most wealthy, and best informed men in the island of Trinidad. If you believe *them*, you will find a verdict for Colonel Picton ; if not, I will maintain to your faces, that you will charge the English nation with an act of injustice of which one instance, thank God ! does not rest on its calendar ; that is, you will coolly, deliberately, and on full consideration, prefer the evidence of attainted men, of persons who, from the testimony of every respectable man who has appeared in the Court at Port of Spain, friend or foe, (for remember, countrymen, that the prosecution was at liberty to choose and bring forward whom they thought proper,) that in any tribunal in the country, in their own native place, *they would not be believed upon their oaths* ; I say, you will prefer the evidence of such men as these, to the universally acknowledged honor, probity, and integrity of the whole island.

This it requires not the gift of prophecy to foretell that you will not do ; and therefore

I finish this part of my case: as I began my letter, "firmly and confidently relying on the  
" sentence which yott will pronounce upon it."

Let me turn from this disgusting and horrid picture of infamy and degradation, and relieve my reader by a representation which must cheer and encourage every good man to persist in the path of virtue and honor; which supports him against all the machinations of his enemies, sustains him through all conflicts and difficulties, and which sooner or later, but with ultimate success, conducts him to that place in his country's estimation which engages the hopes, crowns the expectations of the enterprising and adventurous, and fills with rational delight and satisfaction even the wisest and most diffident man in the land.

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### CHARACTER OF COLONEL PICTON AND HIS GOVERNMENT,

*Don Hilariot Begorrat, on Oath, before the  
Court.*

" Q. What was the general character of Brigadier-General Picton, as his Majesty's representative in this colony.

“ A. Of great integrity and disinterestedness,  
 “ a man of knowledge and firmness, who saved  
 “ the colony by his talents.”

*Colonel Denis Julien Gaudin de Soter, on Oath.*

“ Q. Do you know the defendant General  
 “ Picton, and for how many years ?

“ A. Yes, from the end of 1794.

“ Q. How long did you reside here under the  
 “ government of General Picton ?

“ A. At different times fifteen months.

“ Q. What is his general character ?

“ A. A character full of dignity, justice, activity, and generosity ; beloved by the inhabitants, feared by all the disturbers of tranquillity, and generally considered as the founder of the colony.

“ Q. Did you ever know him guilty of any act of cruelty.

“ No, none,”

*Don Francisco de Farfan, on Oath.*

“ Q. Where were you born, and what is your profession ?

“ A. I was born in this island, and my profession is a planter.

“ Q. Did you know General Picton, and  
“ what was his character?

“ A. Yes, particularly; he was a man just,  
“ disinterested, and capable, by his talents, to  
“ govern all men.

“ Q. Did General Picton, to your knowledge,  
“ commit any act of cruelty during any part of  
“ his government?

“ A. No; if in any cause he ordered punishment,  
“ it was necessary for the tranquillity of  
“ the colony.

“ Q. As an old inhabitant of this colony, and  
“ a Spaniard, what was the opinion of your  
“ countrymen of General Picton?

“ A. Amongst the honest part of my countrymen, he was considered as a man of considerable talents, doing honor to his own country.

“ Q. Did or did not the colony, after General Picton assumed the reins of government, assume a new aspect?

“ A. It is well known that the colony improved a great deal.”

*Baron de Montalembert, on Oath.*

“ Q. Did you know Brigadier-General Picton, and what was his general character as a chief of this government?

“ Q. How long have you resided in it?

“ A. More than twenty years.

“ Q. Did you know Brigadier-General Picton, and what was his general character?

“ A. I knew Brigadier-General Picton, and his character was that of a man who made himself feared and beloved by all.”

*Chevalier de Gannes, on Oath.*

“ Q. Are you a proprietor of this island?

“ A. Yes.

“ Q. How long have you been resident in it?

“ A. Since 1793.

“ Q. Did you know Brigadier-General Picton, and what was his general character as Governor of this island?

“ A. I knew him intimately: when I arrived in this colony, there were a number of very bad subjects in it, and it was threatened with a general subversion of good order; Brigadier-General Picton restored order, maintained the police, protected commerce and the importation of provisions, tripled the value of land in cultivation, and I always knew him to be extremely just towards all the inhabitants of the colony, without any prejudice to any of the various foreigners in it.”

*Vincent Patrice, Esq. Commandant of the  
Quarter of La Ventille, on Oath.*

“ Q. Are you a proprietor in this island ?

“ A. Yes.

“ Q. How long have you been resident in it ?

“ A. Eighteen years ; during fourteen of  
“ which I have been employed in the service  
“ of Government.

“ Q. Did you know Brigadier-General Pic-  
“ ton, and what was his general character as  
“ Governor of this colony ?

“ I knew General Picton : I considered that  
“ at the capture of the island he restored tran-  
“ quillity, and caused commerce and agriculture  
“ to flourish ; and, as far as I was acquainted  
“ with him, he always was a just man.”

*Etienne Maingot, Esq. formerly Commissary  
of Population, on Oath.*

“ Q. Are you a proprietor of this island ?

“ A. Yes.

“ Q. How long have you resided in it ?

“ A. Since 1793.

“ Q. Did you know Brigadier-General Pic-  
“ ton, and what was his general character as  
“ Governor of the island ?

“ A. I knew him intimately; as a proprietor,  
“ I always found protection and justice from  
“ him; and his general character was that of  
“ one who administered justice to all.”

*Count de Castelet, on Oath.*

“ Q. Are you a proprietor in the colony?

“ A. Yes.

“ Q. Did you know Brigadier-General Pic-  
“ ton, and what was his general character and  
“ conduct as Governor of this island?

“ A. I have known him very well since  
“ 1800: he merited the warmest praises of the  
“ inhabitants of the colony; and I entertain  
“ for his character the highest esteem.”

*Count de Loppinott, on Oath.*

“ Q. Are you a proprietor in this island?

“ A. Yes.

“ Q. How long have you been resident in it?

“ A. Ten years and upwards.

“ Q. Did you know Brigadier-General Pic-  
“ ton, and what was his general character as  
“ Governor of this island?

“ A. I knew Brigadier-General Picton as  
“ Governor in Chief of this island; I saw him

“ govern with all dignity, loyalty, and perfect  
 “ justice, with a firmness which secured the  
 “ tranquillity of the colony, to the satisfaction  
 “ of every honest man, and which repressed all  
 “ the evil minded persons in it.”

*Lazar Achard, Esq. on Oath.*

“ Q. Are you a proprietor in this island?

“ A. Yes.

“ Q. How long have you been resident in it?

“ A. Eighteen years.

“ Q. Did you know Brigadier-General Picton, and what was his general character as Governor of this island?

“ A. I knew Brigadier-General Picton as a just man, and of integrity, and I shall always owe him an eternal gratitude for having preserved my life and fortune by his courage, activity, and abilities, in times when we were threatened with fire, and the malevolence of the negroes and other vagabonds, who only waited for a favourable moment to cut our throats.”

*The Honourable John Nihell, Esq. Member  
of His Majesty's Council of this Island,  
and Judge of the Court of Consulado, on  
Oath.*

“ Q. How long have you resided in this  
“ island?

“ A. Between nineteen and twenty years?

“ Q. Were not the French very numerous,  
“ and the revolutionary principles of France  
“ very strong among all colors and classes in the  
“ colony?

“ A. Most certainly.

“ Q. Did not Brigadier-General Picton pre-  
“ serve order and tranquillity in the colony  
“ after the capture, and to whom do you ascribe  
“ it?

“ A. To the firmness of his government, and  
“ his apparent determination to suffer no such  
“ principles to remain in the colony; in conse-  
“ quence of which, in a very short time, the  
“ principal leaders of the faction before de-  
“ scribed disappeared, and the others of the  
“ party remained quiet and peaceable.

“ Q. To what do you ascribe the present flou-  
“ rishing situation of this colony?

“ A. I certainly ascribe it to the firmness and uniform good conduct of General Picton, in giving ample protection to all good and peaceable subjects, and driving out all of a contrary character.”

*Micholas St. Pe, late Alcalde of the Second Election, on Oath.*

“ Q. How long have you been resident in this colony ?

“ A. Twenty-eight years, and upwards.

“ Q. Did you know General Picton, and what was his general character ?

“ A. I knew him since 1798, and he was a man of good morals and practice; frank, impartial, disinterested, zealous for His Majesty's service, and for the preserving the colony. There are very few inhabitants, of those who were here before the capture of the colony, who do not believe they owe to his vigilance, their whole families.

“ Q. Was he of a wicked and cruel disposition ?

“ A. I never saw any instance of it.”

*The Honourable Philip Langton, Esq. Alcalde  
of the First Election, on Oath.*

“ Q. How long have you been resident in the colony?

“ A. About eighteen years.

“ Q. Did you know General Picton, and what was his general character?

“ A. I had the honour of being intimately acquainted with General Picton; and all the respectable characters that I ever heard talk of him in the colony, join me in opinion in considering him an active, intelligent, and disinterested magistrate, warmly attached to the interest of his sovereign, and of this colony.

“ Q. Did you ever know him guilty of any act of cruelty?

“ A. Never.”

*Abraham Pinto, Esq. on Oath.*

“ Q. How long have you been in the colony?

“ A. Twenty-two years.

“ Q. Did you know General Picton, and what was his general character?

“ A. His public and private character was always very good, as far as I was acquainted with him.”

What will Mr. Fullerton say to these declarations? Will he call them "white-washing?" or, will he denominate them "the justifying and complimentary declarations of different persons, in the character of compurgators, bearing testimony to Colonel Picton's qualifications and merits, *although they were not in Trinidad during the period when the acts charged against him were committed?*" and although it may be "of slight avail to produce the applause of Generals or Commodores, who may disgrace their own characters by such violations of their public duty," (Vide' pages 20, 21, of Colonel Fullerton's reply to Colonel Picton's pamphlet); yet I cannot refuse myself the gratification, nor withhold from my reader the opinion of "a General" of whose abilities, information, honor, and integrity, the British public entertains as little doubt, as every military and naval officer, who has been in the West Indies, does of the opportunities of information upon which Brigadier-General Maitland grounded the opinion he has given. He was Secretary to Sir Ralph Abercromby at the time of the conquest in March 1797, visited that island again with the Commander in Chief in June following. He was afterwards ordered to take the military command of the

colony in June 1803\*, when Colonel Picton had given in his resignation of second Commissioner, and after he had governed the country for six years, from the time that B. General Maitland had left the island with Sir Ralph in 1797 to 1803. It is reasonable to suppose that General Maitland, having such opportunities for informing himself on the spot, of the conduct and proceeding of Colonel Picton during this long term, did actually either make a diligent enquiry, or did perhaps (without putting himself to the trouble) receive a very accurate account of his Government from all those who were most capable of giving him information, and who could not be intimidated, as Mr. Fullarton has insinuated, either by fear of Colonel Picton (who had now left the island,) nor influenced by interest. Let us therefore hear how he speaks of him and his conduct.

In General Maitland's reply to the Magistrates and Council of the island of Trinidad, when they waited upon him with an address upon his being relieved in the command by Lieutenant Governor Hislop, he says,

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\* In èa Provinciâ legatus fuit, quâ virtute! quâ constanza vir! omni laude et honore dignissimus.

Cic. pro Cn. Plancio.

“ GENTLEMEN,

“ I am most grateful for this public testimony  
 “ of your approbation of my conduct, for which  
 “ I return you my warmest thanks: it rises in  
 “ my esteem for this reason, that as I replaced  
 “ a most distinguished and meritorious officer it  
 “ was more difficult to gain applause. I will not  
 “ throw away this opportunity of expressing, in  
 “ unison with you, that I greatly honor and  
 “ esteem Brigadier General Picton. In a period  
 “ of public danger, when the colony was beset  
 “ with traitors, and shaken by the unruly beha-  
 “ viour of a disorderly soldiery, (for such was  
 “ the major part of the garrison in May 1797)  
 “ his undisturbed mind awed the factious, sub-  
 “ duced the danger, and saved the colony.

“ (Signed) “ FR. MAITLAND.”

July, 20. 1803.

I have now adduced the declarations on oath  
 of some of the most respectable persons in the  
 island of Trinidad, (*almost all of whom were  
 there during the whole of Colonel Picton's com-  
 mand,*) as to the merits of him and his govern-  
 ment; and before I proceed to shew, from the  
 same source of information and authority, *what  
 kind* of merits and qualifications the principal  
 and witnesses produced against him possess, I  
 shall here make a stand, and upon this ground  
 declare to the world, that if Mr. Fullarton will



bring forward any *honorable* man, (let him not attempt to quibble upon the word *honorable*,) any man whose integrity or veracity I shall not be able satisfactorily and fully to impeach to the conviction of any impartial *gentleman* in the British Empire, I say, if he will bring forward one such man in the whole island of Trinidad to support him in his conduct and proceedings to Colonel Picton, or to be his compurgator from satisfactory reasons which he can adduce and prove, for what the said Mr Fullarton has whispered, spoken, written, printed or published on the government of Colonel Picton, I here declare, that I shall publicly acknowledge my having " wilfully, maliciously, and without probable cause, unmercifully and cruelly bruised, wounded, and ill-treated the reputation of the said William Fullarton."

That the relative merits of the prosecutors and the defender in the case of Louisa Calderon may appear in full contrast, and that the *difference* in their peculiar excellence may not be weakened by any remoteness in the place of union or contact, I shall proceed immediately to lay before my reader, from the same source of authority, an account of the *distinguished* persons, from whose testimony and support, *Spanish rights and liberties* have obtained so respectable and authorita-

tive an assertion in this good country. I shall give the principal his due place, and assign him what he should have, the first post in the distinguished station he has selected for himself; and I trust I shall be able to prove that he is better entitled, in point of justice and propriety, to receive the appellation of *principal* in this work from my hands, than he is that of Colonel, which, for the honour of the army, he now in a great measure receives from his own. And before I proceed to the exposition of these *gentlemen*, let me again address my reader and the public, and say, if I fail in my proofs of convincing them, that he and his associates are all *equally* entitled to the characters which I shall give them, and to the marks of honor and distinction which I shall annex to their names in the outset of my sketch, I shall lose all pretensions to veracity in every other part of this letter.

The six distinguished persons in this prosecution are,

1. Mr. Wm. Fullerton, principal

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2. Porto Rico, a Spanish Mulatta driver and whipper of the galley slaves.

---

3. Manuel Robles, a drunken soldier, a deserter from the Havannah.

4. Raphael Skando, a galley slave, a thief convicted of robbery, and sentenced as such.

5. Juan Montes.

6. Pedro Vargas, *alias* Smith.

I forbear adding the name of the *lady* to the list. Mr. Fullarton has, I understand, monopolized her society, and I have already emblazoned her virtues.

The authorities on which I disqualify the said Mr. Wm. Fullarton, *principal*, from all pretension to veracity or credit to any thing he has said, or may say, concerning Colonel Picton; the grounds on which I disfranchise him of the rights and privileges of a gentleman; the proofs of my having displaced and removed him from the attention or notice of any respectable member of society; and the reasons for which I have leagued and associated him in his present company, are all founded on the written evidence of the following gentlemen and the authenticated documents annexed; I shall take them in the order in which these evidences appear.

1. Captain Shelton, of the 57th regiment, in his declaration on oath, page 47 of this letter.

2. Sir Samuel Hood, K. B. in his address to

Mr. Fullarton in council on the 24th of March, page 52; and in his letter to Earl Camden, late Secretary of State for the colonial department, published in Colonel Picton's letter to Lord Hobart, page 69, and reprinted here in the Appendix No. 8. in which, speaking of Mr. Fullarton's reply to that letter, he says, " it is false, almost in every page."

3. The resolutions of his Majesty's council in Trinidad on the 31st. March 1803, printed in the Appendix No V.

4. Of Brigadier General Maitland, in his letter to Colonel Picton, dated Aug. 24. 1804, and printed in the Appendix No. VII.

5. May I also without vanity add my own letter to Colonel Picton, and reprinted in the Appendix No. VI.

6. From the address of his Majesty's Council the island of Trinidad to Lieutenant Governor Hislop,

And from Lieutenant Governor Hislop's answer to the said address. Appendix No. IX.

7. From the letters and declarations of Lieutenant Colonel Mosheim, of the 60th (or Royal

American Regiment, and Captains Champagni,  
Dickson and Western of the Royal Navy. Appendix No. 10.

8. The assertion which I here adduce as an additional ground of disqualifying Mr. E. from any pretension to the notice of a gentleman, or any credit or belief as a man, is founded on an observation in his reply to Colonel Picton's letter page 31. It is of so shameful and scandalous a nature, as to exceed in turpitude and atrocity any part of that unparalleled mass of falsehood, and well warrants me in bringing it forward as one of those proofs, and not the most inconsiderable, of his character and merits.

Colonel Picton, in his letter to Lord Hobart had said, " that Mr. Fullarton's conduct had excited so high a degree of indignation in the mind of his friend Brigadier General Maitland, that he directed his agent, Mr. Adam of Crutched Friars, to place all his pecuniary means at his disposal, to resist what he considered a scandalous conspiracy against his Majesty's service." On this amiable and honorable mark of esteem and affection, Mr. Fullarton has been pleased to attach the following construction, to which I earnestly request the attention of my reader. " It is also by no means improbable that he (Brigadier General Mait-

" land) may have directed his agent, Mr. Adam  
 " of Crutched-Friars, to place his pecuniary  
 " means at the disposal of Colonel Picton, ei-  
 " ther from transactions with which I am unac-  
 " quainted, or, perhaps, on account of the at-  
 " lotment of land on the river Caroni, in Trini-  
 " dad, of which it is understood, mark reader, of  
 " which it is understood, that he the said Brig-  
 " adier General Maitland obtained or expected to  
 " obtain, the occupancy by the aid of Colonel Pic-  
 " ton." That is, in other words which can nei-  
 ther be misunderstood or mistaken, that B. G.  
 Maitland had offered or given a pecuniary bribe  
 to Colonel Picton to assist him in procuring an  
 allotment of land in Trinidad ! O malignity of  
 interpretation !—a bribe from General Maitland  
 —and to whom ? to Colonel Picton ! to do  
 what ? to obtain what could not be obtained :  
 the folly and absurdity of the insinuation are  
 only equal to its baseness. Let any officer, na-  
 val, military, or civil—let any gentleman, any  
 man of honor or honesty, read this, and refrain  
 from feeling a just indignation if he can. To  
 that just and honorable indignation I leave him,  
 and proceed to the last, but not least, proof of  
 his title to that post I have given him, and of the  
 consideration and respect which are due to him  
 from that particular class in Society in which he

once had, as I shall be able to prove, unmerited rank.

9. I must now inform the public, from authority beyond all question, that an official report was made by General the Earl of Carhampton, Commander in Chief of his Majesty's forces in Ireland, respecting the unfaithful returns made by Mr. Fullarton as Colonel of a regiment under his Lordship's command; that the original documents were transmitted to the Adjutant General's office, Horse Guards, for the purpose of substantiating the charge; and with honest, heart-felt satisfaction do I record it, to the eternal honor of our illustrious Commander in Chief, that a public official communication of the above mentioned circumstance was made by his Royal Highness to the Secretary of State's Office, previous to Mr. Fullarton's leaving England. On this last transaction I shall not make a single comment.

I now take my leave of Mr. Principal Fullarton, confident that I have fulfilled my engagement in proving *him* fully entitled to the post of honor I have assigned him. I proceed to the associates, *Proximi, sed non longo intervallo.*

*Porto Rico, First Associate—A Spanish Mulatto Driver and Whipper of Galley Slaves.*

*The Escrivano Castro, on Oath, before the Court.*

“ Q. Do you know Porto Rico?

“ A. Yes.

“ What is his general character?

“ A. One of those who get drunk frequently.

“ Q. What is his calling or trade?

“ A. The man who looked after the chained negroes.

“ Q. Is he a man whom you would believe on your oath?

“ A. I have doubts whether I would or not.”

*Vallot the Jailer, on Oath.*

“ Q. In what capacity did the mulatto man

“ Porto Rico act under you?

“ A. Driver of the galley slaves.

“ Q. Where is he now?

“ A. I do not know, but believe he is with  
“ Mr. Fullarton.”

*Don Joseph Farfan, on Oath.*

“ Q. Did you know Porto Rico?

“ A. Yes.

“ Q. What was his situation and general character?

“ A. An overseer of the chained negroes and a borrachon\*.

“ Q. Would you believe Porto Rico on his oath?

“ A. Less than either Manuel Robles or Raphael Shando, whom I have before sworn, that if I had no other proof than THEIR oaths, I should not believe.

“ Q. Why would you not believe Porto Rico on oath?

“ A. Because he is still worse than the others.

“ Q. Were they not all officers of justice under you in the government of General Picton?

“ A. Yes.”

### *The Honorable Philip Langton, on Oath.*

“ Q. As a Magistrate in the different tribunals, were you acquainted with Manuel Robles, Raphael Shando, Porto Rico, and Juan Montes, and what were their different characters?

“ A. The three former were Alguazils of very

\* i. e. An habitual drunkard.

" infamous characters ; of Juan Montes, I can't  
" say any thing bad to my own knowledge.

" Q. Would any tribunal in this Colony have  
" taken the oaths of these men ?

" A. No, I would not certainly, nor do I  
" believe any other tribunal would.

" Q. When you say that as a Magistrate you  
" would not take the oaths of Shando, Robles,  
" and Porto Rico, do you mean to say that you  
" have ever seen a record or conviction for any  
" crime that would preclude them giving evi-  
" dence on their oath ? A. As they were never  
" brought before me, I did not investigate all  
" their characters, but from such authorities  
" as I could not doubt I considered them as  
" culprits."

So far to prove the title of *Senor* Porto Rico  
to the place of associate with principal Fullar-  
ton. As I conceive it unkind to separate those  
partners in their respective shares of individual  
merit, and as it might be a little tedious to my  
reader to travel distinctly through the biogra-  
phy of each, I shall not dissociate the other  
three candidates, viz. second, third, and fourth  
associate, Manuel Robles, Raphael Shando, and  
Juan Montes.

*Escrivano Castro, on Oath.*

“ Q. Do you know Raphael Shando ?

“ A. Yes.

“ Q. What is his general character ?

“ A. He had both bad and good qualities.

“ Q. Is he a man whom you would believe on  
“ his oath ?

“ A. I have doubts whether I would or  
“ not.

“ Q. Do you know Manuel Robles ?

“ A. Yes.

“ Q. What is his general character.

“ A. He lived the greatest part of his time  
“ in liquor.

“ Q. What do you mean by living in li-  
“ quor ?

“ A. Always drunk.

“ Q. What was his trade or calling ?

“ A. An inferior Alguazil.

“ Q. Is he a man whom you would believe  
“ on his oath ?

“ A. I have doubts whether I would or  
“ not.

“ Q. Where are the three last mentioned  
“ persons ?

“ A. I have heard that they are in London.

“ Q. When and with whom did they embark?”

*Counsellor Hayes*, on the part of the prosecution, objected to this question. I presume on the ground that he did not wish to have it recorded in the return to the mandamus, and proclaimed to the world, that these respectable Senors accompanied Mr. Fullarton in the same ship on his return to England.

“ And when Mr. Attorney General on the behalf of the defendant was heard in reply, “ his Excellency was pleased to postpone the “ decision thereon unto the next court day. “ On which day his Excellency over-ruled the “ objection, and the Escrivano answered to the “ question, When and with whom did Raphael “ Shando, and Manuel Robles embark?

“ A. I do not exactly know when, but they “ went in the convoy in which Governor Fullarton sailed.

“ Q. You have said that you would not “ believe Raphael Shando on his oath; do you “ speak of your own knowledge of his character?

“ A. I have the same opinion of him as “ I entertain of all the other Alguazils in this country.

“ Q. In respect to Porto Rico, did you speak from your own knowledge of his character ?

“ A. Yes, *from my own knowledge.*”

*Vallo the Jailor, on Oath.*

“ Q. Do you know one Raphael Shando ?

“ A. Yes.

“ Q. Was he not a galley slave in your custody ?

“ A. Yes.

“ Q. Do you know Manuel Robles.

“ A. Yes.

“ Q. Was he ever in your custody ?

“ A. Yes, as a prisoner.

“ Q. What was his general conduct in jail ?

“ A. Drinking much.

“ Q. On what account was Raphael Shando put in prison ?

“ A. *For having stolen the money arising from the tax on houses, which he collected as Alguazil.*

“ Q. Was he confined merely on accusation, or as a punishment after conviction ?

“ A. I don't know, he was sent by order of the intendant of police, Mr. de la Sauvagere.

“ Q. *By the Court.* Was Mr. De La Sau-  
“ vagere then Intendant of the police ?

“ A. Yes, and acting as Alguazil Mayor.

“ Q. For what was Manuel Robles com-  
“ mitted.

“ A. For want of attendance to his duty as  
“ Alguazil.”

*Don Josef Farfan, on Oath.*

“ Q. Did you know Manuel Robles and  
“ Raphael Shando ?

“ A. Yes.

“ Q. Of what country were they, and what  
“ was their general character ?

“ A. They were Spaniards ; Manuel Robles  
“ was a known borrachon.

“ Q. Could you credit either of them upon  
“ their oaths ?

“ A. If I had no other proofs but their oaths,  
“ I should not believe them.

“ Q. What reasons had you for saying that  
“ if you had no other proofs than the oaths of  
“ Raphael Shando, and Manuel Robles, you  
“ would not believe them ?

“ A. The same that I should have of any  
“ other vicious man of bad conduct.”

*Mr. St. Pé, on Oath.*

“ Q. As long resident in the Colony, holding public employments under the Spanish and English Governments, was you acquainted with Manuel Robles and Raphael Shando, and what was their general character ?

“ A. I knew them Alguazils of the Cabildo, while I was a member of it : they were men of bad enough morals, often drunk.

“ Q. Do you know Juan Montes, and what was his character ?

“ A. I knew him for two or three years, he was a troublesome and turbulent man.”

*Don Juan Montes*, the fifth associate, swears upon the trial of Colonel Picton, that he was “ Assistant to the Engineers,” and before the conquest, he was “ in the military.” Whether his friend Mr. Fullarton suggested this witty pun of “ *Assistant to the Engineers*,” to denote a man carrying a spade and shovel, I know not, or whether by swearing he *was* in the military, implies that he *is* a deserter from it, I leave also to him and Mr. Fullarton to decide, but I know and I assert that he *was*

a bad and useless pioneer, and that he *was* a drunken soldier, and *is* a deserter from the Havannah; very generally believed in Trinidad to be a spy to the Spanish Government, and upon that account, perhaps, approved by Mr. F. as Deputy Alguazil Mayor, (or Under-Sheriff) but whom the board of Cabildo unanimously refused to admit in that situation as a degraded man; and notwithstanding the means which Mr. F. employed to overawe the board into compliance, it persisted in its resolution, and sent a strong and spirited protest against Mr. Fullarton to the Secretary of State's office, stating their reasons *for not complying* with his mandate,

*Don Pedro Vargas, the Sixth Associate.*

It is difficult to determine on the amphibious character of this associate. On Colonel Picton's trial, he swore that he *was* a lawyer in the Spanish West Indies. It seems likely that the cold of this country had frozen up the legal faculty, for when he was questioned upon oath by Mr. Dallas, viz. "Q. Whether there " is any part of that book (alluding to the " Recopilacion of the Laws of India relating " to South America) which directs what legal

" proceeding shall be had when a person is  
 " suspected of robbery"—His Answer was,  
 and mark the answer of a man who the moment  
 before swore " that he studied those Laws as  
 " a Profession," and a little time afterwards  
 swore " that he was examined on his know-  
 " ledge before a full Council, after five years  
 " practice in the inferior Courts, and a sub-  
 " sequent two years practice in the superior  
 " Courts"—" I do not know, it is something  
 " difficult to say, I have not read them lately,"  
 and the work is in three volumes." And upon  
 being further asked, Q. " I want to know if  
 " these books contain any direction to a crimi-  
 " nal Judge how to proceed in matters of ac-  
 " cusation ?" He answers, with equal know-  
 ledge and exhibition of profound legal infor-  
 mation, " I am not prepared for that question,  
 " but notwithstanding, I will tell you with  
 " consideration." And after carefully inspect-  
 ing the work for some time, he was again asked,  
 " Q. Will you swear that there is, *from begin-*  
 " *ning to end* of these three volumes, a *single*  
 " *page prohibiting* the practice of torture?" What  
 was his answer to this, after all this careful in-  
 spection of the work, why, " I will not swear  
 " there is not in these three volumes, I think  
 " not. I cannot tell." Here are specimens

of Mr. Smith Vargas's fitness to be produced as a Spanish lawyer to explain what is and what is not Spanish law; a man who is compelled to acknowledge before the whole Court, that he knows nothing about the matter. But I shall go a little further into the merits and accomplishments of this profound lawyer, Mr. Pedro Smith Vargas. When he was asked upon oath,

“ Q. Upon your oath have you not been employed by Colonel Fullerton to take the examination of different persons?

“ A. Colonel Fullerton wished to have the assistance of my opinion, but I would not give it.” positively swears on the holy Evangelist in open Court “ that he would not give him the assistance of his opinion :” and being again asked,

“ Q. Have you at any time been employed in taking examinations against General Picton !” What was his answer, “ No Sir.” But he stammers a little and adds, “ I believe not, “ I was not employed officially.” And to the very next question, “ Upon your oath have you not been employed by Colonel Fullerton to take the examinations of different persons against General Picton ?” He answers in the true spirit of what is called in this country “ an Old Bailey Solicitor,” “ I was employed as Interpreter to translate them.” He

would not answer the question, he would neither say yes or no ; he would have a salvo for his conscience. However " this sort of vermin " when they are forced into day upon one point " are seen to burrow in another ; but they shall " have no refuge ; I will make them bolt out " of all their holes." The vagrant who swears " No, Sir," and " I believe not," and " not " employed officially," where do I find him? On the oath of Don Francis Salazar before the Honorable Mr. John Black, one of His Majesty's Council as stated in the minutes of the Council : " In a *private room* into which also entered *Don Juan Montes* and *Don Pedro Vargas*, and two other gentlemen in blue coats and red capes and collars, (all Aides de Camp) one of which the deponent thinks was the English Provost Marshal, Mr. Adderley, and being thus assembled, the Colonel (i. e. of those Gentlemen so assembled) cut two slips of paper, which he placed with a wafer in the form of a cross on a book, and gave it to Pedro Vargas, who swore deponent to declare the truth to such questions as should be asked him, that the said Vargas then acted as secretary, writing the Colonel's questions, and deponent's answers, which were to the following effect :

“ Declares that Vargas wrote his declaration  
 “ and then required him to sign it, which he  
 “ refused to do, until he had read it; that  
 “ Montes urged him *much while telling the*  
 “ *truth, to tell more than he knew, seemingly*  
 “ *with a design of criminating Governor Pic-*  
 “ *ton.* That after having signed, *Vargas*  
 “ *charged him not to reveal his having been*  
 “ *examined by any person, for that the affair*  
 “ *must be kept secret,*” and deponent then left  
 the house.

Again, on the oath of John Pla, a Spaniard, (sworn and interrogated before the Council, and extracted also from the minutes,) who deposed, “ that he was sworn to secrecy by “ *Colonel Fullarton in person, having with him,* “ *Mr Vargas, one Montes who was formerly* “ *a Spanish soldier, and another secretary who* “ *he believes was Mr. Adderley:* On being  
 “ *asked, if he knows who occasioned his being*  
 “ *examined, he swears, Montes was the cause,*  
 “ *and that he has been the principal cause of*  
 “ *all the discord and misintelligence that has*  
 “ *happened lately in the island by his intriguing*  
 “ *and lying.*” Mr. Smith Vargas swears that  
 he was not employed “ *officially*” by Mr. Ful-

larton. The next ~~unofficial~~ negotiation that I find him employed in, is the infamous business of the unhappy priest\* which I have detailed. He knew the temper of the Reverend Father, and was a fit instrument to administer to him. On the oath of Maria Calderon in the return to the mandamus, on her being asked, "Q. Did you ever see the register of your daughter's birth?" She answers "Don Pedro Vargas shewed me a copy of the register which had been given him by the Curate." "Q. Who is Don Pedro Vargas? A. He was the Linguist of the Governor who carried my daughter away." My reader will recollect this flagitious priest having acknowledged before, that he had delivered two of these forged certificates, one to the "other secretary Don Juan Montes", when he was going to England, and another to the mother of Louisa Calderon.

So far for Mr. Smith Vargas's consistent testimony! As to who Mr. Smith Vargas is, or what he was when he came to this country and then left it with Mr. Fullarton, this, as I have

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\* ————— opinor,

Hec res et jungit, junctos et servat Amicos.

Hor. Sat. III. 1.

said, is a more difficult business to determine. He swears himself that he was known to my Lord Hobart, *as Mr. Smith*. Q. *by Mr. Dallas*, "Did you pass at any time under the name of "Smith?"—A. Yes, I did; it came to the "knowledge of Lord Hobart before the peace "was concluded." Upon this it would be ridiculous to observe further, (*et res non vult exponi.*) That his Lordship had any part in introducing him to the acquaintance of Mr. Fullarton or Mr. Adderley, I shall never for a moment believe. I know, from unquestioned authority, that I can produce, that he was living in a garret or cellar in Poland Street, a little before or at the time when he was *déterréd* by his principal, and that in that neighbourhood, he passed for a sort of alchymist and botanist, and some said an astrologer. However, the happy combination of those heterogenous qualities stamped him with a versatility, which well suited the part which his principal intended for him, and he was packed up along with the rest of the tools and instruments to be used as occasion required, when they all arrived at the great forge or laboratory of their operations. I have shewn what a conspicuous part he acted there in the present case of Louisa Calderon. What may be the

theatre of his future exhibition, a person may give a shrewd conjecture. He will no doubt fill an *elevated* situation, whatever new region he may seek to adorn.

I have now drudged through a duty, the most disgusting to myself, and, I have no doubt the most irksome to my reader, of any of those which I have assigned to myself, or shall impose upon them in the course of this publication. I have extended this painful investigation of the characters of the principal and the associates, further than I at first intended. I have however adhered to my original pledge. I have given authorities of unquestioned integrity for every syllable I have advanced. If any attempt should be made to invalidate what I have stated ; it is not my testimony or assertion that is to be contraverted. Thank Heaven ! I have not yet had the misfortune to be drivèn into such company : I know nothing of them. Should the Principal enter the Arena, and plead for his associates ; he must indict the whole Court at the Port of Spain, nay, he must attack the whole island of Trinidad, and what success he can promise himself, even with the aid of such powerful auxiliaries as Porto Rico,

Manuel Robles, Raphael Shando, Juan Montes, and Mr. Smith, alias Pedro Vargas, I leave for his and their consideration. Consigning them therefore to the *Great Master*, whose spirit presided over all their actions, and dismissing them for ever from any future notice, observation, or remark, I shall proceed to make a few comments on a part of this case, which was vauntingly pressed by Mr. Fullarton's counsel. It is,

“ that so far from having found torture in practice under the former governors, he, “ Colonel Picton, attached to himself all the “ infamy of “ *having invented this instrument* “ *of cruelty.*”

Mr. G. read the return of the mandamus, and rises in his place, and tells the Court (I was by and heard him) that Colonel Picton “ *invented this instrument of cruelty.*” *O intolerandam audaciam!* What must be the nature of that practice or that profession which seduces, or *obliges* a man to say that which he knows, which, on the oath of many he is taught, he is instructed to know, is not the fact?\*

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\* Dic igitur, quid Causidicis civilia præsent  
Officia, et magno comites in fasce libelli?  
Ipsi magna sonant; —————

Mr. G. in the return to that mandamus found that the picket was *first* ordered by Governor Picton as an *instrument of military punishment*, and used as such by the West India, or Black Regiments, being much preferable to whipping, which in that hot country is certainly a worse practice than it is in this, where many officers of the first characters condemn its use. Mr. G. knew from the Magistrate Mr. Begorrat in the same return, that Colonel Picton had no more to do with the ordering of the picket to Louisa Calderon, than Mr. G. himself had, for Mr. Begorrat swears in his answer to the question, " Q. Was the picket ordered to " Louisa Calderon a Spanish mode of punish-

Tunc immensa cavi spirant mendacia folles  
Conspicuntque sinus.

Juv. Sat. 7. 1. 166.

Tell me, if you please,  
What gain the lawyer's active life affords,  
His sacks of papers, and his war of words?  
Heavens! how he bellows in our tortur'd ears;  
then his passions rise!

Then forth he puffs th'  
From his swoll'n lungs! then the white foam appears,  
And, drivelling down his beard, his vest besmears!

Vide Mr. Gifford's Translation, l. 166.

" ment, or were you at liberty as a Spanish  
 " Judge to apply the mode of torture as you  
 " thought most advisable? A. The modes  
 " of torture are not absolutely defined by the  
 " Spanish law, it is left to the discretion of  
 " the Judge, and recommended by the law  
 " to the Judge to administer the torture ac-  
 " cording to the constitution and strength of  
 " the accused. And as I did not consider the  
 " *picket in the gaol but as a very slight torture*  
 " *in comparison to tortures used in Spain, I re-*  
 " *dered it in preference to Louisa.*"

What practice or profession, I say again, authorizes a man to make assertions of this general and unqualified nature, particularly when they are calculated to load a man in a high station with most unmerited and most unjust obloquy? In the same style of *beautiful and splendid declamation* did the head of the English bar observe upon the punishment, that it should in future lose its present appellation of picketing, and be called *pictoning*. Why, "I vow to "God," (a favorite rhetorical flourish of this "*causidicus inficetus*" and so may the habit of calling on his God never depart from him,) I could make as good a pun as this myself, could I condescend to such contemptible, impertinent

trifling, I could be even *Garrulous* on the point, until my reader lost all patience with me. I might be called also a quibbler or a punster, or any other mean or low thing my reader pleases, but I should not convince any person that I was an accomplished gentleman, or that I had the capacity of a profound lawyer. I should neither shew the extent of my research, nor any power of combination. I should not prove myself competent, like the head and ornament of another bar, and be able in his language to tell Mr. G. that perhaps he may reply to the arguments I have advanced in this book by some such silly idle pun as that, or " by some " curt contumelious, and unmeaning apothegm " delivered with the fretful smile of irritated " self-sufficiency and disconcerted arrogance ; " or even if he can be brought to a consider- " ation of this momentous question, by what " miracle could the pigmy capacity of a stinted " pedant be enlarged to a reception of the sub- " ject." " The endeavour to approach it " would have only removed him to a greater " distance than he was before, as a little hand " that strives to grasp a mighty ball is thrown " back by the reaction of it's own effort to " comprehend it. It may be given to a Hales " or a Hardwicke to discover and retract a

“ mistake; the errors of such men are only  
“ specks that rise for a moment upon the sur-  
“ face of a splendid luminary; consumed by  
“ its heat, or irradiated by its light, they soon  
“ purge and disappear; but the perversenesses  
“ of a mean and narrow intellect are like the  
“ excrescences that grow upon a body natu-  
“ rally cold and dark, no fire to waste them,  
“ and no ray to enlighten; they assimilate and  
“ coalesce with those qualities so congenial to  
“ their nature, and acquire an incorrigible per-  
“ manency in the union with kindred frost and  
“ kindred opacity. Nor indeed, Mr. Garrow,  
“ except where the interest of millions can be  
“ affected by the folly or vice of an individual,  
“ need it be much regretted, it hath not pleased  
“ Providence to afford the privilege of im-  
“ provement.”

Language such as this, reaves and blasts like the bolt of heaven. This is the style of an orator, a scholar, and an accomplished advocate. Let me advise Mr. G. to bear this in mind the next time he addresses a jury, and when he comes to speak of a gallant, and experienced officer, let his crimination not be clothed in the rags and tatters of an underling player; if he is to be accused, let the man and

the matter correspond, let Colonel Picton and the language used towards him, in some way or other assimilate, let it at least have a noble cast.

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I have now finished all I think necessary to say at present on the question of Louisa Calderon. I have laboured to *prove*,

1. That Colonel Picton acted upon the laws which he found existing in the island of Trinidad at the period of the conquest, subject to such deviation in some instances, as the orders which he received from the Commander in Chief, Sir Ralph Abercromby, directed; and these laws were the laws of Old Spain, or Castile, modified by the Recopilacion de las Indias.

2. That in concurring with the petition or recommendation of the legal Magistrate, Don Hilario Begorrat, in the case of Louisa Calderon, Colonel Picton conformed precisely to the letter and spirit of those laws, as reported in the different accredited law authorities obtaining in the Colony, and as recommended to

him by the only persons capable of advising him, the Magistrates and the Escrivano, whose duty it was to lay the necessary information before him in the absence of an Assess or, of whom he had been deprived by authority.

3. That in the case of Louisa Calderon, Colonel Picton neither directly nor indirectly assumed any power, privilege, or authority, that (as he was instructed, and as I have proved) did not by the existing laws belong to him, as Governor and the supreme Tribunal; and in this case his decree was a mere bare compliance in that capacity with the requisition of the legal Magistrate, formally and officially laid before him by the Spanish Escrivano, and which he had every reason to believe, and no reason to question, to be both the law and the practice of the Colony.

4. That the actual decree in this case was dictated to Colonel Picton *totidem verbis* by the Escrivano Castro, and advised as the necessary legal decree, conformable to the requisition of the Magistrate, for the mode and execution of which, the defendant was completely exonerated by the Spanish law, and the entire responsibility for its mode of execution, placed by

the same law on the ordinary *Alcaldes* or *Magistrates*.

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If I have been able satisfactorily to convince the British Public that I have succeeded in my endeavours to prove these four positions, if in the additional topics connected with these positions which I have discussed at some length, I have also been able to prove, that the purity and moral rectitude of Colonel Picton's motives are placed beyond all question or doubt, I may flatter myself with having done much. If I have also shewn, that his conduct in the particular case of Louisa Calderon, as well as the general merits of the whole of his administration, are attested by all the respectable persons brought forward before the Court at Port of Spain, a place where all the circumstances of this business, as well as those of his Government were fully known and ascertained ; that his enemies, the very persons who were sent out to Trinidad with the particular and distinct purpose to arraign him and take evidence on this charge of Louisa Calderon's, and who were not prevented from calling upon whom they pleased to establish any demerits or acts of

tyranny, injustice, cruelty, or rapacity against him, I say, if these enemies, active, industrious, and most willing as they were to find evidences of any of these acts, were not able to produce *one person of any rank, situation, or character, to say one word* against the conduct of General Picton during a long and difficult administration of seven years. If all these things are fairly and fully made out, I believe I shall be acquitted of all presumption or self-sufficiency in the confidence with which I have ventured this publication to the People of England, and on the sentence which I relied they will ultimately pass upon it. I am more and more strengthened and supported in this confidential expectation, when I call to my mind, and beg leave to call also to their attention, that during a period of nearly THREE YEARS *that this investigation is now going on*, when every nerve has been exerted to call forth evidence of misconduct, when all the engines which a malignant activity could collect and array, and all the resources of money, power, and perverted ingenuity which have been directed and applied with unrelaxing perseverance, yet every iniquitous effort has proved incompetent and unequal to call out *one man* of credit to support these infamous allegations, nor to *detect one circumstance* in the character or proceedings of Colonel Pi-

ton's life unbecoming an officer, an honest man, and a gentleman. Let me therefore safely appeal to the People of England, and triumphantly ask, is there *another* instance in the records of the nation, where after such a scrutiny as has taken place into the conduct, *private and public*, of this officer, is there, I say, another instance in the long roll and catalogue of great and celebrated characters, whose lives have adorned the annals and history of our island, of a man who has come out of this fiery trial with so unspotted a reputation as Colonel Picton? If there be not, and I here challenge any man to produce the instance, then, People of England, do I demand from your justice a verdict for this distinguished officer of—unanimously—  
**NOT GUILTY.**

## GENERAL OBSERVATIONS.

MR. DALLAS, that eloquent, enlightened, comprehensive and *gentlemanlike* advocate,\* opened his Address to the Jury in the following manner,

“ Gentlemen,

“ The case before you is of a novel and extraordinary nature; nor do I mean to deny, that in whatever light it is considered, whether with regard to the public or to the individual, it is of the greatest magnitude and importance: on the one hand, nothing can more concern the public than that extensive powers should not be perverted to the purposes of malice and oppression; and on the other, that the individual should not suffer, if he has lawfully exercised the authority with which he was invested. *If the defendant hath done nothing more than what he deemed a faithful*

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\* Mira in sermone, mira etiam in ore ipso vultuque sua. vitas. Ad hoc ingenium excelsum, subtile, dulce, facile, eruditum in causis agendis,

*" discharge of his duty, he should not be consigned over to ruin."*

The truth and propriety of the above observations no reasonable man living can question, and on that account I have chosen them as a sort of motto to the few general reflections which I shall add to the case that I have now detailed to the public, and also with a view of making a few comments on the principle of the remark so stated.

The case is not only novel and extraordinary in its principles, but there are features of peculiarity in some of the numerous *circumstances* attending it, which must attract the attention of the most incurious person; circumstances which, I have no doubt, stagger the belief of the most credulous, and puzzle the understanding of the most reflecting. It is one, and not the least of those curious circumstances, that an officer, placed as Colonel Picton was, as a mere Military Commandant in the Government of Trinidad for upwards of five years, with what I may justly call double sentries on his charge, and his conduct of that charge; on one hand the Commander in Chief of the West Indies, close to the scene of action, with a con-

stant correspondence going forward between him and this Commanding Officer; a new, and latterly, a very full commercial intercourse actively carried on between this Colony and all the neighbouring islands; every avenue, channel, and passage of communication, free and open to every description of persons; and on the other hand, His Majesty's Ministers, the Secretary for the Colonial Department, who for reasons which it is unnecessary to detail here, did look upon the Colony of Trinidad as a most important possession, and which it certainly was at one time the intention of His Majesty's Government to make the Theatre or Focus of a very extensive system of future operations towards the South American Colonies; I say, thus doubly watched by near and distant officers, by civil and military, it certainly appears not a little extraordinary, how a system which has been lately denounced with every vile epithet which the language could furnish, could have been suffered to have gone on so long in the very faces of those persons whose duty it was to receive information upon this subject, to examine it's foundation, and to take such immediate steps as the circumstances required. Of two things one must have occurred; either the Commander in Chief and His Majesty's Minis-

ters received *no reports* of these proceedings, or if they did receive them, they neglected their duty, and took no notice of them. That the first however was actually the case, the Minister's letter to Colonel Picton affords a most reasonable presumption. Lord Hobart, then Secretary for the Colonial department, says, in his letter of July 19, 1802,

“ The first official notification I have received  
 “ of any dissatisfaction at your Government  
 “ has been *from yourself*, and I can only ob-  
 “ serve, that the zeal and ability you have  
 “ uniformly shewn, in maintaining the se-  
 “ curity and tranquillity of the island during  
 “ the very critical period of your command,  
 “ would alone call upon me to receive any ac-  
 “ counts of that kind with the *greatest circum-*  
 “ *specion.* ”

(Signed)

“ HOBART.”

“ To Brigadier General Picton,  
 &c. &c. &c.”

The date of this letter is July 1802, about the period of the appointment of the ill-fated commission. At this time, therefore, it is certain, that Colonel Picton's Government not only remained unimpeached to his Majesty's Ministers,

but his “ zeal and ability” were distinguished in their estimation. Let us see how he was considered by the Military Commanders: The Commander in Chief in the West Indies, on the 16th of August 1802, was Lieutenant General Grinfield, whose public dispatches on the 11th and 13th of August following, (some weeks after Mr. Principal Fullarton and his associates had sailed for England with their cargo of criminations against Colonel Picton) are now before me, in which the General expresses himself in the following strong terms,

“ Circumstances unexpected by Colonel Picton, or by any other person, have placed him for a little time in a disagreeable situation; but I am fully persuaded his general conduct has been such, as will convince the world of his merit, and his fame will rise the higher for the unmerited persecution under which he now labours.

(Signed)      “ W. GRINFELD.

“ Lieutenant General.”

“ Right Honorable Lord Hobart,  
&c. &c. &c.”

And in his dispatch to His Royal Highness the Duke of York, he says,

" The disagreeable situation in which he  
 " (Colonel Picton) has unfortunately, unin-  
 " tentionally, and disagreeably been placed,  
 " through the extraordinary conduct of Colonel  
 " Fullarton, requires me to desire you parti-  
 " cularly to express my entire satisfaction of  
 " Brigadier General Picton, both as a soldier  
 " and a gentleman.

(Signed)

" W. GRINFIELD.  
 " Lieutenant General."

" Colonel Clinton, Secretary  
 " to His Royal Highness the  
 " Commander in Chief."

We find therefore that both His Majesty's Ministers and the Commander in Chief have *spoken out* on the subject; the first, at the very period of the appointment of the commission; and the other, immediately after its dissolution. Colonel Picton arrived in London in October 1803: he waited on Lord Hobart a few days after, about the time of the arrival of the General's dispatches at the Secretary's office, and had, I suppose, some conversation with his Lordship on the business. In the beginning of December following, he was arrested by a King's messenger, and confined at Mr. Sparrow's house *on the oaths and depositions of these associates*

whose characters I have taken from the return to the mandamus, and already inserted in my statement. Whether this step was taken in the manner in which Lord Hobart avowed "*he should receive any account of that kind*," that is, as his Lordship says, "*with the greatest circumspection*," I am not quite prepared to decide. This I am sure of, that *he*, Colonel Picton, was very "*circumspectly*" taken up, and "*very circumspectly*" watched and guarded. An officer of such distinguished reputation, with such eulogies from the highest civil and military authorities still sounding in his ears, is, upon the oaths of men\*, whose testimonies, (from the depositions on oath of every respectable man and magistrate that was called upon the occasion, who lived in the country, and knew these men for years,) "*would not be believed upon their oaths*, taken up and imprisoned !!! It does not belong to the duty I have imposed upon myself in writing this address, to examine into the causes which induced His Majesty's confidential servants to come to the resolution of believing the oaths of these

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\* The names signed to the indictment found against Colonel Picton are, Louisa Calderon, Raphael Shando, Pedro Vargas, and Juan Montes.

vagrants, and of putting Colonel Picton upon his defence; but it is very much to my purpose *to state the fact\**, and the circumstances connected with that fact, for the important use which I shall have by and by to make of it.

In an officer, whose merit had been previously so highly appreciated for his conduct "under "circumstances of considerable difficulty and "danger," it cannot appear at all extraordinary, that a considerable share of confidence might be placed; that a general rectitude in the measures which he pursued, might be very fairly presumed, and that large allowances should be made for any deviations which he might feel himself constrained to make from the ordinary course of practice, during the period of his "critical command," as my Lord Hobart very justly calls it, no reasonable man will dispute. And after the statement which I have given of the circumstances of the case of Louisa Calderon, now that the public are in possession of the large discretionary powers which he received from his Commander in Chief, (and let

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\* Diligimus omnia vera, id est, fidelia, simplicia, constantia; vana, falsa, fallentia odimus.

it never be forgotten that that Commander in Chief was Sir Ralph Abercromby,) when, I say, the extraordinary and perilous state of the whole of the West India islands is considered; when the most peculiar and novel state of the laws and ordinances of the Colony over which he was placed is reflected on; when the feeble state of his miserable and insubordinate garrison to preserve it's order and subjection is called to mind; all these momentous circumstances ought surely to have made every sober minded man pause, before he rashly, weakly, and presumptuously hazarded a condemnation of conduct, the motives, reasons, or necessities for which, although of course thoroughly known, felt, and understood by Ministers, the public in general must have been entirely ignorant of. On great trying occasions of this kind, where a man's duty and his feelings are put into a state of warfare; when, as a Soldier, his own reputation is at stake, and the lives and fortunes of thousands perhaps resting on his decisions, he who arrogantly presumes to arraign measures, the propriety or impropriety of which depended entirely on a chain of circumstances, to judge of which requires either close proximity, or a very just and minute information, in my humble opinion gives neither a proof of his judgment, nor a pledge

of his impartiality. But applying my reasoning to the particular case of Louisa Calderon, from which I have deviated a little too much; I think, that as to the merits or demerits of Colonel Picton in that business, there will be soon no doubt, nor I believe much contrariety of opinions: it is now fully and fairly before the public, and the question for them to decide is comprised in a very small compass; it is this, *Was Colonel Picton, taking in the whole of the circumstances of his situation, warranted and fairly borne out in the part which he took in the punishment of Louisa Calderon, or not?* This is the simple question for the consideration and decision of the People of England: In the review which I have taken of the question, I have examined it merely on the principle of law; inadequate as I am to give it that degree of examination which such an important subject deserves, I flatter myself that I have investigated the principles of that law, and proved its practice sufficiently, for all the purposes which I intended. But surely this is a poor, narrow, confined, and miserable view of the subject. Let me ask, will the informed and reflecting part of the community, make a MERE law-question of this proceeding, when it is acknowledged without contradiction, that after Sir Ralph Aber-

cromby had banished the former Assessor for his crimes, and corrupt practices, there was not a single Spanish lawyer to be found in the whole country.

In the consideration which I gave of the law part of this business, I might have carried, with perfect fairness, my argument much farther than I have done, and I might have deduced from this measure of Sir Ralph Abercromby's, consequences of much greater extent than I have thought necessary in the conclusion of that review. I might have said and maintained, *even before Mr. Garraw himself*, that the moment after the execution of that measure, and the promulgation of Sir Ralph's sentence on the Assessor, there was an end to every thing that had the semblance of Spanish law. The Commander in Chief, by this act, put his shoulders to the pillars of the temple, and tumbled it to the very foundation. I say, the moment he put his signature to the instrument of Judge Nihell's instructions, he did not leave a single stone of the edifice standing; all went in a crash; one stroke of his pen demolished the work of ages; law and lawyers, Assessors and Escrivanos, all disappeared, and nothing but the emphatic word "conscience" remained. There he built the

new tribunal, and Colonel Picton was constituted the High Priest, the Law, and the Gospel.

Will the *People* of England decide the question on the *sole ground* of law? Will they say that the Alcaldes, a set of planters, (or country gentlemen, as we might call them here); men who it was not necessary, as Mr. Begorras says, "even that they should know how to write or "read," in order to be the Alcaldes, or Spanish Magistrates. Will they say that *they* should be masters of the Spanish law? Is De Castro, a miserable Escrivano, a broken-down soldier, and Spanish barber, to be clothed with the character and information of a jurisconsult? Is Colonel Picton, a man who never, I suppose, read an English law book in his life, and, I dare say, could not find much greater entertainment in a Spanish Recopilacion than he would in Blackstone, Hale, or Hardwicke, is he to be judged for his want of knowledge of Spanish law? Ridiculous! absurd in the highest degree!! Not so, thought that revered character Sir Ralph Abercromby, when he committed the Colony confidently to his Government. View the different light in which he intrusted this great pledge! See his instructions. " *Shorten and simplify proceedings,*

"terminate all causes in the most expeditious and least expensive manner that the circumstances will admit." And how was Colonel Picton to do this? Sir Ralph informed him at once, "according to the dictates of your conscience, and the best of your abilities;" and do this, he says, "although it should be contrary to the usual practice of the Spanish Government." These were the instructions of that great character, who was then holding the honor and renown of England in his hands. These were not the least important actions for which his grateful country covered him with honors and rewards. Did Colonel Picton execute his orders? Did he act "according to the dictates of his conscience, and the best of his abilities?" If he did not, let him be bowed down to the earth; let him be punished and disgraced; let him be held up as a spectacle to this and future generations as a disgrace to his country and a dishonor to the name of a soldier. But if he *has* obeyed the orders of his Chief, has the British Nation, in its conduct to Colonel Picton, has it recognized the orders of the man, who, at the moment that he wrote them, conceived he was establishing the security of the possession which he was adding to the British crown, on the surest and most im-

moveable basis? Has it examined and tried the legatee of this possession and of those orders, and who so far participated with him in a share of the public eulogisms,—has England tried Colonel Picton on *Sir Ralph Abercromby's principles*? the *only* one, I contend for, that he could or ought to be tried on? A wish is vain; but for a moment let me suppose that the spirit of that illustrious man could have appeared in the Court of King's Bench, when Mr. Garrow, giving that indication of a *large* and *comprehensive* mind, burst upon the Court and the Jury with that memorable distinction\* so honorable to

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\* Mr. G. appears to be fond of making those distinctions, and has shewn, I think, very considerable ingenuity in explaining them; as in the following: Mr. Garrow—“my learned friend (alluding to Mr. Dallas) seems to me to endeavour to establish a distinction where there is no difference;” so far Mr. Garrow was speaking from practice and experience; but, says he, “when we state the *intention* to ‘oppress,’ now reader what do you imagine we do? *risum teneatis*—why, ‘we mean merely that the *act* oppresses.’ Exquisite! Vide Report of Colonel Picton's Trial, page 61.

Dr. Samuel Johnson could not have done it better; nor Bentley; no, nor Hume; but mark, it was not law Mr. G. was talking then, it was *metaphysics*. The old Justice Clerk of the Court of Session in Scotland, a man of great natural capacity, but *not* of profound learning, when Mr. Maco-

his genius, between the *Laws of the Recopilacion de las Indias, and those of Castile*. How would his mild and benignant countenance have beamed rays of indignation upon a man, who could attempt to make *this* impoverished, stunted, pedantic distinction, the criterion of his large, liberal, and confidential mind, when he ordered Colonel Picton to act. "according to the dictates of his conscience, and to the best of his abilities?"

But how would he have appeared, what must have been his anguish, how must his heart have been torn, when the country forgetting (I hope and believe for a moment forgetting his last words, "*His Majesty's Ministers will be informed of your situation, and will no doubt make every allowance;*" did record a sentence of condemnation, not on Colonel Picton; but on the orders of a man, whose name is immor-

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nochy, now Lord Meadowbank, was one day pleading a cause before him with his usual eloquence and deep legal information, the Lord Justice stopped him in the middle of his argument, by saying, in the true Scottish accent, for which he was so remarkable, "*Meistre Mekonowhy, you are too metaphysical; you confound me with your metaphysics.*"

tal, who lives for ever in the heart of his country, and fills a most brilliant page in it's history. This is not declamation! I say, and repeat it again and again, if Colonel Picton has acted "according to the dictates of his conscience, and to the best of his abilities," if *this be proved*, then the Lawyers, and Mr. G. at their head, may, and I shall be bold to say, *will* talk to the people of this country in vain; in vain will they say, as Mr. G. said, with what truth, or with what portion of Mr. G.'s *own belief and credit*, he best knows, "without the least motive but to gratify a tyrannical disposition to oppress an unfortunate and defenseless victim of his cruelty." The "bloody sentence" (another of Mr. Garrow's beautiful flourishes) will be washed away by the repentant tears of a deluded, but sorrowing country; the zeal, abilities, and acknowledged integrity of Colonel Picton will survive these unworthy and unjust aspersions, and he will live, I trust, to add still more to the fame, wealth, and honor of a just and generous nation.

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There is another point of view in which this case might be most fairly and properly examined;

and indeed what point of view in which it can be looked at, but is most important and interesting? And well might the noble and learned Judge say from the Bench, " This is a case, " Mr. Dallas, full of important points ; points of " much more consequence than the last to which " you have adverted\*."

The point I allude to is, how far Colonel Picton can be arraigned *legally* for his conduct, acting as he did, " according to the dictates of " his conscience ;" how far he can be tried and punished *for his ignorance of Spanish law*. This principle of argument I do not mean to enlarge upon in this paper : it was insinuated from the highest authority, that " ignorance of " law was a very good reason for *mitigation of punishment*, but no ground for a man's not " being convicted." This subject is in much abler hands ; it is with those who will acquit themselves like men of deep and extensive knowledge, as learned and accomplished advocates :

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\* His Lordship alluded to what Mr. Dallas had said ; it was, " His Lordship has now said, that we are to put out of " our consideration all inquiries as to *actual malice*, and " if the act committed were unlawful, the *illegality alone* " will be sufficient to render the defendant guilty."

I shall therefore not presume to anticipate anything they may say upon it hereafter, and shall dismiss it with this single reflection, that in my very humble opinion, if there be upon record one case stronger than another, which bears a man out and supports him in the principle "of " ignorance," and "acting according to con- " science;" if there be in the whole history of criminal and civil jurisprudence, a case which calls for and demands all the *tender* considera- tion and liberal allowances which are pleaded for; upon these principles, I have no hesitation in saying, that that case is Colonel Picton's.

Before I ever put my pen to paper on this sub- ject, I have unceasingly, and with emotions that I cannot describe, looked at this question *in a military point of view*; the indelible impres- sion it made upon my mind and feelings, the many anxious days I passed while labouring un- der the painful reflections to which *that view* gave rise, was certainly another powerful cause of my presuming to publish my opinions upon it. I trust I possess the feelings and honorable ambition which actuate an officer who hopes to give some proofs of his zeal and capacity; who looks at some time or other of his life through the

path of service and diligence, to the honorable distinctions which that zeal and that diligent service obtain in this country. Animated as I have been with these hopes, how has my heart sunk within me, when some unlucky combination of ideas came across, and the case of my respected friend Colonel Picton struck upon my mind, and instantaneously froze up the full and generous current of my thoughts. It is indeed a momentous question,—shall I say, a portentous one ! The mind of a soldier is and must be affrighted by it : for my own part, anxious and eager as I am to enter into its discussion, I am repelled by its bulk, and I involuntarily shrink and turn away from its consideration. A man of Colonel Picton's extraordinary talents, of his tried integrity, *with his thirty-seven years of honorable and most meritorious service !!* that an all-seeing Providence should order it, that *I* was to become the defender of the conduct and services of such an officer ! that *my* insignificant warranty should be found necessary to the re-establishment of a Man, whose whole life has been one uninterrupted scene either of honorable action or of laborious mental employment ! But what shall I say, what will that English public feel, when they know, as I do, when they are told from authority beyond question or contradiction, that a man so em-

owed, with such services to entitle him to the highest confidence of his country, has been brought before the bar of that country for *obedience to the orders of his Chief*. The moment I heard the following declaration from the Court, I will fairly avow that I was struck with fear, consternation, and surprise. It is indeed a declaration big with consequences of unexampled magnitude and interest. Frequently have I turned to the page which records it, and I never perused it without alarm. It is assuredly "full of important points," vital to the army; the life-cord on which every thing connected with it hangs. It was an adamantine chain that bound the Soldier to his duty—it is now the sword of Damocles, suspended by a hair\*.

### *On the Evidence for the Defendant.*

Mr. DALLAS. " My Lord, I have put in the " *Instructions under which the Defendant acted;* " they all refer to the Spanish law, the laws of " the colony and under the Spanish government: " it will only be necessary to refer to the *com-  
mission of General Picton.*"

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\* —— Nihil esse ei beatum, cui semper aliquis terret  
impendeat? Cie. Tusc. 5.

*From the Court.* "This has nothing to do with the question."

Mr. LAWES: "It is evidence that the defendant acted in his judicial capacity."

*From the Court.* "It can neither prejudice nor benefit his case in any way."

His Majesty's Instructions were read in evidence for Colonel Picton to the jury. Not a word of Sir Ralph Abercromby's instructions. Were they superseded by those of his Majesty? Virtually they could not; it was rendered impossible, because to do this, that is, to render the great ground work of these instructions of no avail, that part requiring Colonel Picton to act according to the best of his conscience, should be abrogated and done away. A Spanish lawyer, or some man versed in those laws, and armed with authority from the government to administer them, should have been sent out, otherwise Colonel Picton was still held to his original orders. He was still "acting to the best of his conscience." On this part, no more than on any other, I have before proved, that the King's Instructions made no change whatever. Colonel Picton was, by the King's instructions, placed

*precisely where he was before.* "To govern as "nearly as circumstances will permit, according "to the terms of their capitulation," are the guarded words of the King's Instructions. He was, by those instructions, ordered a Council to consult with, but authorised to act contrary to their opinion "when the King's interest required "it," and to state their and his opinion for so acting to the Secretaries of State. Therefore on the principle of the question of Louisa Calderon, I maintain that Colonel Picton *acted and judged precisely, and without the smallest difference or distinction*, (I appeal to Mr. Garrow) on the *same ground* of instruction as he did on any previous act of his *before* those orders arrived in Trinidad. What is the consequence? what then is the fair deduction? What is the point on which the whole of the question turns, the great axis on which it rolls? Shall I state that the verdict of the Court of King's Bench runs counter to, if I may so express myself, the reasonable instructions of a Military Commander in Chief? Shall I say, that it marches in between the soldier and his superior officer? I shudder at this deduction; my heart misgives me, and I retire from the conclusion. It is not a *tortured* one like Mr. Garrow's. It is broad, plain, imposing, and forcible, not to be overlooked or mistaken. It

is a decision of momentous import; worthy the deepest consideration of the Government: "full " of important points" charged and loaded on every side.

My mind is too full of matter upon this question to proceed securely on. I have, as an officer, stated the principal of the case; I have, as a faithful, loyal, dutiful subject, opened the subject to my country; I have taken it out of the hands of base, designing men; I have removed all the calumnies and misrepresentations which have been wickedly, and for the worst purposes, attached to it; I have brought it from night and darkness into broad day-light; I have exposed it *as it is*, to my country and the world: not alone for the honor, fortune, reputation of him on whom this great experiment has been made have I volunteered in the cause, but for the safety and protection of those who are now under the very same terrors. The Magistrates of Trinidad acted in this case with such perfect conviction of their legal powers so to do, of the legal *right* they had so to act and order, that the intimidations of Mr. Fullarton in bringing this case forward as a heinous charge and crime were laughed at: little did they suppose that the Governor of Trinidad was, on his return

from the Government, to be pelted by the pityless tongues of an unthinking rabble; to be confronted and accused by miscreants whom they all acknowledged and swore to be outcasts, and persons "not to be believed on their oaths." Mr. Black, one of the ablest, and most experienced, the most wealthy Magistrate of the Colony, has asserted his legal right to order this punishment *since* Brigadier General Hislop has assumed the Government. He punished Modeste Valmont in the same manner, as Mr. Begorrat punished Louisa Calderon; and will the Government of England, will it keep an active Magistrate and honorable man in exile in the West Indies, when, after thirty-five years of toil and labor under a burning sun, the greater part of that spent in the service of Government, when the labor of life is, or should be, relieved by the solaces of friends, and the comforts of fortune in England? I say, will such a man be kept in abeyance, waiting for the hand of the law to lay hold on him, should he be bold and ~~brave~~ enough, like Colonel Picton, or rash enough, *perhaps as it may turn out*, to come home and face it's *present* terrors? and why all this terror, dread, and apprehension! because he acted as the Colonel did, and as Mr. Begorrat did *in obedience to the law*? No, no. This can-

not, will not be done, will not be suffered or endured. An action of damages for 40,000*l.* is actually entered against Colonel Picton for acting in obedience to *other* parts of His Majesty's instructions, which it requires no knowledge of the Spanish\* language or of Spanish law to read and understand. Many are threatened against Brigadier General Hislop; I know the cases. *His* instructions are, I understand, on a much more narrowed scale than Colonel Picton's. *He* should not be left in jeopardy. It is full time to put an end to all these fretful circumstances. The principle should be settled for ever and put to eternal rest. No new sources or seeds of insurrection or rebellion should be laid. A British Governor in the dust, and a triumphant negro or mulatto mob are unseemly spectacles. They present awful considerations to the minds of reflecting men, to those who know these fiery and inflammable regions, what they have been, nay, what they are, and worse, what they may be.

But if the dangers pointed out, be far from our fire sides, their apprehensions often slide

\* Vide Appendix, No. 15. for the cause, and the name of the gentleman who has brought the action!

away from our thoughts, and leave little or no impression. They have, however, not wanted my warning voice ; weak as it is, I have raised it, and shall continue to do so in humble hope and expectation that it may be of some avail ; that my zeal at least may help to raise others more powerful, or more able to join their voices to mine, in decrying any attempt at such disgraceful proceedings in future. Let not the confidence of officers, naval, military, or civil, in those who govern or direct us, be broken up, or endangered ! This confidence, this discretionary authority is the key and corner stone to all great actions. What would our immortal hero Nelson have done at Copenhagen, if confidence had not ruled his heart in that memorable contest ? Would he have lived to have turned the balance of Europe, and gained the battle of Trafalgar ?—Would the conquest of the French in Egypt have been annexed to our military triumphs ? Would Trinidad have *remained* in our possession ? No. We should have nothing of these to record. Abortive enterprizes, abortive actions. Nothing but miscarriage and abortion.

When the Government or the country fails in their acknowledgments to the zealous and faith-

ful servant in any department, you tear up by the roots the very soil that nourishes and vivifies the hearts of oak that bear your honor and your thunder to every part of the world. Cold pausing consideration will come in the place, and supplant the instinctive ardor, the high mettle, the burning zeal of those who sacrifice every thing dear to them in the service of that country. Oh! it is a fatal mildew, corroding with its malignant poison, and consuming the principles of honorable exertion; striking at, destroying, and extinguishing the *punctum satiens* of all honor, all courage, all manly and noble action.

Far be it from my country, and far removed for ever from its soil be those, who would act upon such a base and infamous principle. If there be a man in the nation, who, under whatever cover, mark, or protection he may have acted, is found capable of attempting, or perpetrating such a horrible design, it is the bounden duty of every person, but more particularly of every officer who knows and regards the service, who sincerely and unaffectedly discharges his duty to the public, to the army, and to himself, to assist in dragging such a man to the bar of public account, and endeavouring to make

him a spectacle of public disgrace and execration. To prove that such a man does live and enjoy a high situation in this country, is one of the many motives which has determined my resolution to write this letter. And now under the most sacred obligation to perform this part of my work, I proceed to lay a transaction before that public, which, in point of atrocity of *design*, I shall not scruple to say, stands the very first in the full list of wicked purposes.

I have, in page 50, alluded to "a transaction" "of a very extraordinary nature," which I said, that I considered it my duty to bring forward before I concluded this address: I stated, that I had adduced authorities to prove that the two Commissioners had no *public* or *private* instructions from Government, to inquire into Governor Picton's administration, and this statement I made "chiefly with the view of acquitting, " "from the fullest authority, (that of the Com- "missioners) the then Secretary for the Colo- "nial department, and the administration at "large, from any knowledge of, or participa- "tion in" the very extraordinary transaction" then alluded to. And I do now repeat my belief and conviction, that any such participation in, or knowledge of the circumstance, or any

thing connected with it, on the part of any of the *leading* members of that Government, is totally impossible. I have also alluded to the steps which were taken against Colonel Picton on his return from the West Indies in page 240, and I have stated some public documents to shew, that from whatever cause this measure towards him might be rendered necessary, the opinions of His Majesty's Colonial Secretary, and those of the Commander in Chief in the West Indies, were in perfect unison *at the time*, respecting the general merits of Colonel Picton as a Governor, an officer, and a gentleman; and that whatever little suspicions might be entertained, or whatever surmises gained ground in consequence of these suspicions, respecting the opinion which His Majesty's Ministers entertained of him, by having removed him from his former high place, as Governor and Captain General of the Colony, and placed him only second in the Commission; I say, those suspicions were obscured and lost in the general belief that the measure was honestly intended, and that Colonel Picton, in his zeal for the service and good of his country, gave confidence to His Majesty's Government for the purity of their intentions towards him individually, and for their zealous endeavours generally to promote

the public advantage. I myself heard of some curious stories at that time, and of some still more curious information, of a very particular nature, *being sent out from this country* a little before the Commissioners sailed from England, to take upon them the Government of Trinidad. When I was in that island, a variety of reports assailed my ears; to those I paid very little attention, and indeed all remembrance of them would have been obliterated in my mind, if a document had not been transmitted to me of such a nature as at once to put my suspicions beyond all doubt, and to prove, from an authority so high, so unspotted, so entirely beyond the reach of contradiction or disbelief, as most amply and completely warrants me in giving it my own full and unequivocal belief, and in laying the whole of it now before the British Public.

This most extraordinary and important document is an *affidavit* of Doctor Lynch, sworn before the Honorable John Nihell, Esq. Chief Judge of the island; the substance of which was first communicated by the Doctor, in a letter to Mr. Gloster, the Attorney General of Trinidad, a copy of which I also annex. A paper involving a charge of such a nature as

that which it proclaims, and against a person who ranks so high in the country, certainly requires that it should come with every proof and stamp of authenticity, both as to the high respectability of the author, and of the medium of its transmission. I therefore, not having the honor of knowing the gentleman myself, considered it a sacred duty, as soon as I had formed the idea of communicating the affidavit to the public, to be scrupulous in my inquiries concerning him; and I do now state, from the most unquestionable authority, from those who have known and who have lived with him, that Dr. Lynch is a person of unimpeached integrity, he is a regular graduated Doctor, a learned and scientific man. This gentleman, accompanied by his wife and children, and with good prospects of success from an established family connexion in that island, went out from this country to practise as a physician; and after a residence of two years in the Colony, when he had ample time and opportunities to make himself master of every circumstance respecting the proceedings of Mr. Fullarton, and the former Government of Colonel Picton, he addresses the following letter to Mr. Gloster :

" SIR, *Trinidad, Feb. 18, 1805.*

" In compliance with your request, I have  
 " the honor of communicating to you *in writing*  
 " the substance of part of a conversation which  
 " I had with Mr. Sullivan, Chief Secretary to Lord  
 " Hobart, at his Lordship's office in Downing-  
 " street, somewhat previous to the month of  
 " December, in the year 1802, where I went  
 " to learn on what terms Government intended  
 " to grant lands in this Colony.

" In the course of the conversation, Mr. Sul-  
 " livan asked me, whether I had any letters to  
 " his Majesty's Commissioners? I replied, that  
 " I only had two to General Picton; on which  
 " he recommended me to procure some, if pos-  
 " sible, for the first Commissioner, Colonel  
 " Fullarton, as he would have it in his power  
 " to be of more service to me; *for that in all*  
 " *probability General Picton would be ordered*  
 " *to return to England before six months, as*  
 " *Colonel Fullarton was instructed to investi-*  
 " *gate his past conduct in Trinidad.*

" This Sir, having been so mentioned to me,  
 " as to a perfect stranger, and not in confi-  
 " dence, occasioned my surprize in the month

“ of March following, that it was not generally  
“ so understood in this Colony.

“ Permit me, Sir, to add, that in conse-  
“ quence of the unmerited treatment which  
“ General Ficton has since experienced, it will  
“ give me pleasure if this communication can  
“ in any way tend to shew that that treat-  
“ ment was premeditated.

“ I have the honor to be, &c. &c.  
(Signed) “ FREDERIC J. LYNCH, M.D.”  
“ To the Honorable Archibald  
“ Gloster, &c. &c.”

It cannot seem surprising, that the most so-  
lemn attestation, which it is in the power of a  
Christian to give to his declaration, should be  
considered indispensable to this extraordinary  
document; and accordingly, when the pro-  
priety and necessity of this final stamp were  
hinted to the doctor, he came forward with the  
greatest readiness, and made the following so-  
lemn affidavit to the truth of every part of his  
statement, which he immediately transmitted to  
this country.

*Copy of Dr. Lynch's Affidavit.*

“ TRINIDAD.—Frederic J. Lynch of the  
Port of Spain, Island of Trinidad, Esquire,

“ Doctor of Physic, maketh oath and saith,  
“ that in or about the *month of November, one*  
“ *thousand, eight hundred and two*, he was pre-  
“ sent at the office of His Majesty’s Secretary of  
“ State for the Colonial department, and a con-  
“ versation then took place between this depo-  
“ nent, and John Sullivan, Esquire, respecting  
“ Trinidad, and particularly as to grants of  
“ land, about to be made to persons going thither,  
“ and on what terms such grants could  
“ be obtained; when the said John Sullivan,  
“ Esquire, in the course of such conversation,  
“ inquired whether this deponent had any let-  
“ ters to His Majesty’s Commissioners, to  
“ which this deponent answered, that he had  
“ two to General Picton. Upon which the  
“ said John Sullivan, Esquire, recommended  
“ this deponent to procure some, if possible,  
“ to the First Commissioner, Colonel Fullar-  
“ ton, and stated, that the said Colonel Fullar-  
“ ton would have it in his power to be of  
“ more service to this deponent, than General  
“ Picton could be, or words to that effect.  
“ And this deponent gave as a reason for such  
“ recommendation, that *in all probability Gen-*  
“ *eral Picton would be ordered to return to*  
“ *England before six months, as Colonel Ful-*  
“ *larton was instructed to investigate the (then)*

" *past conduct of General Picton in Trinidad.*  
 " And this deponent further maketh oath and  
 " saith, that he expressed his surprise, on his  
 " arrival in this Colony, in the month of March,  
 " 1803, that it was not generally known or un-  
 " derstood, that the said Colonel Fullarton had  
 " such instructions, the said John Sullivan  
 " having mentioned the circumstance to this  
 " deponent as a stranger, and not in a confi-  
 " dential manner, which induced this depo-  
 " nent to relate the substance of the conversa-  
 " tion, herein before mentioned, immediately  
 " after his arrival in this island, and several  
 " times since.

" **FREDERIC J. LYNCH, M. D.**"

" Sworn at the Port of Spain aforesaid,  
 " this fifteenth day of July, 1805.

" Before me, JOHN NIHELL,  
 Chief Justice and Judge of the Consulado.

Here is a gentleman of the most respectable  
 character, of the first order in the learned pro-  
 fessions, and a man who, as he has asserted  
 elsewhere, is " neither interested in the cause of  
 " General Picton or of Colonel Fullarton," stat-  
 ing what!! " That in all probability General Pic-  
 ton would be ordered to return to England  
 " before six months, as Colonel Fullarton was

"instructed to investigate the then past conduct of General Picton at Trinidad!!!" The Right Hon. John Sullivan, then Under-Secretary to Lord Hobart, makes this assertion in or about the month of Nov. 1802, *before\** the Commissioners had sailed for Trinidad!! When I read this affidavit at first, I can assure my reader that I involuntarily started from my chair; nor do I remember that in the whole course of my life, even on hearing the verdict *against* my friend, Colonel Picton, delivered by the jury, to have had my mind so agitated and affected. Mr. Sullivan shall hear the *whole truth* from me; and therefore before I make a single comment on the transaction, let me turn back a little to the respectable gentleman who has had the courage and independence to send this document to be laid before the British public, and proclaim aloud, that he is not one of that species or description of persons whom we have frequently seen in the West Indies, who stepping from behind an apothecary's counter, acquire all their knowledge and skill from the mere inspiration which the tropical winds afford them on their passage, and

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\* The Commissioners sailed from Portsmouth the 26th Nov. 1802. *Vide* Mr. Fullerton's quarto prime, page 2. The conversation occurred some days before that date.

who considering themselves cleansed from their intellectual impurities by the ablutions which they receive in that latitude, dole out their advice in the Colonies by the dollar or the pristine: Dr. Lynch has no connexion, association, or similitude with that class of beings of *another* profession, who *run* from the Grenadines or the Grenadillas, or some other obscure skulking corner of the Archipelago, and covering themselves with a law cloak, yea, a lawyer's gown, clothed in the hypocritical mantle of true legal learning, vend their seditious and diabolical oracles to no other purpose but the diffusion of sedition, discord, and disunion. He belongs not to the club of gabbling pensioners who infest the coffee houses and the billiard tables, and who, like the vermin that the naturalists tell us, barrow and breed in the skins of the larger and nobler animals, feel a sort of honor and consequence in proclaiming that *they also* find a name and a *place* in assisting to tease and worry (for they can do no more) my respected friend Colonel Picton. Doctor Lynch is none of those: he is, what a physician should be, a man of correct moral conduct, of a strong natural and of a great cultivated understanding. And you, Mr. Sullivan, told this gentleman, either *before the Commission had sailed*, according to Mr. Fullarton's

book, or a very few days afterwards, "that Col-  
 " lonel Fullarton *was instructed* to investigate  
 " the past conduct of Colonel Picton." Let  
 me ask you, Mr. Sullivan, *by whom* was Mr.  
 Fullarton *so instructed*? I have a right, Sir, to  
 ask you this question; and I do now, in the face  
 of your country, call you to the bar of the English  
 nation, and I do demand of you as a matter  
 of right, which you are bound as a gentleman  
 and a man of honor to answer, I do say I have  
 a right to demand of you, by whose authority  
 was Mr. Fullarton instructed or commissioned?  
 Was it my Lord Hobart's, the then Colonial  
 Secretary, and now Earl of Buckinghamshire?  
 His Lordship totally disavows it. See his letter  
 to Colonel Picton of the date of July 19, 1802,  
*only four months previous to your declaration.*  
 " The first official notification I have received  
 " of any dissatisfaction at your Government  
 " has been *from yourself*, and I can only say,  
 " that the zeal and ability you have uniformly  
 " shewn in maintaining the tranquillity and se-  
 " curity of the island, during the very critical  
 " period of your command, would alone call  
 " upon me to receive any accounts of that kind  
 " with the greatest circumspection." The Com-  
 mander in Chief in the West Indies, General  
 Grinfield, totally disavows it. He says, " His

" fame will rise the higher for the unmerited  
" persecution under which he now labors."

(Signed) " W. GRINFIELD,  
" Lieutenant General."

" Barbadoes, Aug. 13, 1803."

The then Premier, Lord Sidmouth, I know, has disavowed it utterly and *in toto*, and it would appear an unseemly insinuation of my want of confidence in that declaration, if I presumed to remind his Lordship or the public of the *particular* language which announced that disavowal. I believe his Lordship was, and is perfectly sincere and unaltered in that statement. Where then are we to look for the author of those instructions "to investigate the conduct of Colonel Picton?" There is no doubt that Mr. Sullivan's threat, for at present I shall give it no other name, was realized, his conduct was investigated, and although Colonel Picton was "not ordered to return to England," as Mr. Fullarton has falsely asserted\*, yet Colo-

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\* General Grinfield, the Commander in Chief's words are, " You will therefore not hurry yourself either in coming here, or in going to Europe, either of which is in your option.

(Signed) " W. GRINFIELD."  
" Barbadoes, June 13, 1803."

tel Pictot did certainly leave Trinidad, *to return to England, in about six months after Mr. Fullerton's arrival there*: I therefore say that the character of the British Nation, the honor of His Majesty's Government, the public service itself, and the safety of the individual who hereafter devotes his service to it, are all equally connected and most deeply interested in this momentous question. I do therefore again call upon you, Mr. Sullivan, to come forward and to answer my question. In the name of the British Empire, in the name of the army that supports, serves, and sheds its blood for that Empire, in the name of every thing honorable, just, and fair, do I call upon you, John Sullivan, Esq. to avow the author of those *secret* instructions. You *must, Sir, now* come forward, this business shall be no longer overlooked, or forgotten: While I live, and have a pen or a tongue, you shall not escape investigation or notice. I will take you from your hiding place, or your protection, be it where or who it may, and summon you as an officer and a gentleman to avow your author for those private instructions. The task I know is Herculean, but I will endeavour to drag the Cacus from his den. It is in vain, Mr. Sullivan, to sophisticate about the business; a disavowal on your side is ~~totally~~ and utterly im-

possible, entirely incredible. You Sir, I am satisfied, will never think of it. Doctor Lynch, I state, is anxious and ardent to reassert and corroborate his affidavit at the bar of a British Court of Justice. Nothing therefore, but an *open, manly, unqualified* avowal of the author of those private instructions will satisfy the nation. I do not, Mr. Sullivan, mean, or insinuate any thing contrary to your honor or reputation, when I say that the nation knows of your connexion with Mr. Fullarton in the East Indies. It is asserted, Sir, that you were the *chief cause* of his being appointed to the Government or Commissionership of the island of Trinidad; however, of this I do not pretend to be fully informed. That *you* had any hand in suggesting or in forming that unhappy and ill-fated Commission is very unlikely; for giving you all credit for abilities, Under Secretaries are, *in general*, not the persons consulted in those important measures. However Sir, all these things apart, not to spin my web too fine, and that I may be at once understood, I assert, you have been, and were, the friend of Mr. Fullarton on the occasion. I do not blame you for this, Mr. Sullivan. I blame and accuse you, in the face of your country, and before that body of men, the root and source of whose honor and repu-

tation you have attempted to undermine and destroy for ever, by, secretly, insidiously, and without any just cause, presuming to circulate a report, for which you had no right, or legitimate authority, no honest or honorable pretext for circulating or insinuating. This, Mr. Sullivan, is my charge against you, and you will now clear yourself before God and your country as well as you can.

That you have *acted* upon this declaration, it is almost impossible for me even to know ; I do not say you have, because I cannot prove it. But if you have *really acted* upon it, surely I am well entitled to say, " In what language " shall I address so black and cowardly a ty- " rant." I am well entitled to say, and I do say to you, Mr. Sullivan, that if you have *acted* upon your declaration to Doctor Lynch, you are not only one of the most dangerous men in the kingdom, but that you add one to the list of the most disgraceful and atrocious qualities in the long and black catalogue of human vices, I mean, a dark and cowardly malignity ; and if you have *not acted* upon it, even then, Mr. Sullivan, see the sum of your merits : you sought to ruin a man whom I believe you never saw, and who, I am sure, never offered you a slight or an

injury, in thought, word, or deed. Now, Sir, make up your account, and address yourself, not to your fellow man, but to the just, merciful and beneficent Being who sees, and through his omniscience permits, these wickednesses; ask pardon of that Throne of Justice for an attempt which, if not nipped in its bud, will canker the life root, and eat away the cable that moors the vessel of confidence to the pier of the State. You, Mr. Sullivan, have sown the seed of discord, you have shot the sharp and barbed arrow of doubt and distrust, you have uncloaked the stiletto, and endeavoured to plunge it to the heart of one of our bravest and most meritorious officers. Under a scorching sun, and in the most malignant climate, while every honest energy was awaked, and called forth to uphold the interest, and maintain the honor of the nation, you came behind an officer's back, and you smote him. I tell you, Mr. Sullivan, you dug a mine, not for yourself alone; the blast was but partial; Colonel Picton survives it. Long may he live to snatch the match from the coward hand of every coadjutor in this iniquitous attempt, and to look down with contempt upon the base authors of his sufferings.

I have done my part to *Him*; but, Mr. Sul-

livan, before I close, let me inform you, that I have not done with *you*. Whilst I have one pulse of honest ambition beating in my frame, I shall stand up for the British Army, for my Brethren and Companions in Arms, and not suffer the honest zeal, the broken down frame, the care-worn visage, of any officer, to be surprised, beset, and betrayed by *you*, Sir, or by any Under or Upper Secretary. The great and dangerous opportunities which a man has in such a situation as you then filled, of doing incalculable mischief, and what is worse, of effecting this mischief without almost the possibility of detection, should awaken a well-founded jealousy, and render a rigid scrutiny and severe investigation necessary into every act that has the least semblance of sinister view, or intention from such a quarter. What avails it to the officer that the Government (properly so called) is just, virtuous, and generous? Of what signification even is the consideration of his august Sovereign and Master? A trap is artfully laid: the plot is formed: the newspapers are plied: paragraph succeeds paragraph: quarto follows quarto: every wicked engine is at its dirty work; no stop, no pause; and before any detection or exposition of the infamous conspiracy can take place, reputation is in the dust; and when at

length the hour of developement does actually arrive; the worn down officer is prostrate, a bankrupt in fortune as well as character, and the Under Secretary remains still a pillar of the state!! But, Sir, the English nation has lately proved that no man is too great or too powerful to escape inquisition or impeachment. It will remain for the higher powers to decide whether *your* conduct in this deelaration was just, consistent, and conformable to the honor of your high situation. There is not an officer in the service, from the lowest subaltern to the highest upwards, that is not deeply and vitally concerned in this deelaration of yours to Dr. Lynch. I therefore, Sir, tell you, *if* it shall be found that you *have acted* on this declaration, Go, Sir, to Mr. Fullarton. Ye are fit society for each other. Work out your repentance in sackcloth and ashes. Seek an asylum where ye may indulge in mutual recriminations, and no longer infect and poison the spring and salient fountain of generous British ardor: leave to the nation that adopted you both, its blessings and inheritance: do not presume to rob it of those magnanimous qualities that guard and adorn it: leave unimpaired, and for ever green, its confidence and its generosity: take back with you to your native seats, the sprigs of this noble tree, and atone for your enormities,

by planting, watering, and protecting its infant weakness. Take this honorable charge upon yourselves, if you can, and leave for ever a country that nourished, fattened, protected and honored you, but the benefits and blessings of which you have *gratefully* returned by an ungenerous, and, I trust, an impotent attempt to *degrade and disgrace it.*

My task is now finished ; and on reviewing it, I find nothing but of which an officer and a gentleman may be proud of having done ; I therefore say, feeling and understanding the force of the words, I have done my duty to my friend, to myself, and to the public.

The pleasure and satisfaction I feel in having done it, are too strong for my own language to give full expression. My reader will therefore thank me for adopting the words of a man, whose forcible eloquence has often beautified the cause of truth, whose pen was never moved but in the cause of virtue and religion, and whose conduct and example in this respect are lessons to the world, and a pattern for succeeding ages. He says, "When I am animated by this thought, I look with pleasure on my book, and deliver it to the world with the spirit of a man that has endeavoured well."—"In this work, when it shall be found that much is

omitted, let it not be forgotten that this likewise is performed; and that though no book was ever spared out of tenderness to its author, (and the world is little solicitous to know whence proceeded the faults of that which it condemns,) yet it may gratify curiosit to inform it, that this address was written with no assistance of the learned, without any knowledge of the great, without any contribution from the gentlemen of the long robe, of any description or order; amidst great incertitude, and considerable obstruction from want of proper materials.

I dismiss it, however, from my hands, not like that great and learned man, "with frigid tranquillity, having little to fear or hope from censure or from praise;" but with eager hope, with anxious expectation, with longing solicitude, that it will become popular, that it will perform and accomplish the great ends for which it was intended, that it will, in the first place, contribute to rescue from the gripe of private malevolence and public obloquy, an eminent, meritorious, and accomplished officer; that it will tend, in the second place, to place in a just, fair, and proper point of view, that most unaccountably perverted, distorted, and misunderstood subject of Louisa Calderon; and above all,



# APPENDIX.

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## No. I.

### TITLE.

IN THE YEAR 1801.

*Criminal Cause relative to the Theft of Two Thousand hard Dollars from Pedro Ruiz.*

Before the JUDGE of FIRST APPOINTMENT, or SENIOR JUSTICE.

NOTARY, CASTRO.

IN the Port of Spain, in the windward island of Trinidad, on the 22d day of December, in the year 1801, his Honor, Don Hilario de Begorat, Common or Ordinary Judge by First Appointment thereof declared, That whereas, the 7th day of the present month, between six or seven o'clock in the evening, Pedro Ruiz appeared in the Court of the Government, complaining of having that instant been robbed of two thousand hard dollars in specie, the lock of one of his trunks having been broke open; which trunk was deposited in the middle room of three apartments, held or possessed by him near the Marine and Government Parade, or square, and having, to effect the same, forced away one of the planks of the side of the house towards the sea; in consequence of which, his Excellency gave orders to secure the

persons of Louisa Calderon, and her mother M<sup>a</sup> Calderon, domestics of the said Ruiz; and also Carlos Gonzales, and Pedro Iph Perez, partner of the said Ruiz; which cause his Excellency has transmitted to his Honor the Judge, for the adjudication and termination of the same accordingly: he pronounced that he ought to give orders, and did give orders, to proceed to the summary examination of the witnesses that may be obtained, also of such persons who may know any thing relative to the cause in question, and especially the nearest neighbours to the said house; and when accomplished in due and proper form, the said examinations to be filed, that decision may take place thereon conformable to justice. And whereas, by virtue hereof, his Honor thus pronounced and ordered, he also signed these presents; all which I, the under-written Notary, attest.

(Signed) **HIL<sup>o</sup> DE BEGORRAT.**

Before me **FRANCISCO DE CASTRO.**

The depositions of thirteen different witnesses follow:—

*Deposition of Theresa Allen, a free mulatta, next door neighbour to Pedro Ruiz, on oath:*

*Joseph Rodriguez, on oath.*

*Cyprian Villa Nueva, on oath.*

*Josefa Maria, on oath.*

*The Negro Topen, on oath.*

*Joseph Arnaud, on oath.*

These six witnesses deposed that they saw Carlos Gonzales enter the house of Pedro Ruiz at a certain hour in the evening, and that he remained there a certain space of time, and then went away.

*Deposition of Honoré Birot.*

Immediately afterwards the Judge in this cause, attended by me the Notary, went to the house of Honoré Birot, also with the interpreter, the said Birot being bed-ridden with the palsey ; to whom his Honor, by the means of the said interpreter, and in the presence of me the Notary, administered the oath on God our Lord, and on a sign of the Cross, and thereon he promised to depose the truth to the best of his knowledge, with respect to whatever he might be interrogated ; and accordingly, on his being questioned relative to the tenor of the foregoing act, the citations, and the other circumstances, he deposed, that on the 7th day of the present month, being about the time of evening prayer, the deponent heard the passage door of the house of Pedro Ruiz being opened ; and at about a quarter of an hour afterwards he heard blows, as of the breaking open a trunk, and that a short time, in like manner, he heard the iron bolt drawn ; that on the day following he was acquainted, by Hilario Arnaud, that Carlos Gonzales was in custody for the said robbery ; and that this is all he knows, being forty-eight years old ; and the same was read over to him ; when he deposed that the same was truly expressed ; and he did not sign this deposition, not knowing how to write : the same was signed by his Honor, and by the interpreter ; which I attest.

(Signed) BEGORRAT.

Before me FRANCISCO DE CASTRO.

CARLOS TELLINEAN, Interpreter.

*Deposition of Nely, on oath.*

*Jasper Diaz, on oath.*

*Antonio Josefo, a free mulatta, on oath.*

*Don Francisco Salazar, on oath.*

*Negro, Pedro, on oath.*

*Pedro Josef Perez (Partner in business with Pedro Ruiz,) interrogated on oath.*

These six witnesses also deposed to nearly the same circumstances as the six former.

*Deposition of Louisa Calderon.*

At the Port of Spain, on the 22d day of the same month and year, his Honor, the Judge of First Appointment, proceeded to the prison wherein Louisa Calderon, a free mulatta, was confined, for the purpose of taking her deposition; to whom the said Judge, in the presence of me the Notary, administered the oath in due form, on God our Lord, and on a sign of the Cross; and thereon she promised to depose the truth to the best of her knowledge, to whatever she might be interrogated; and accordingly, being questioned respecting the contents of the foregoing act, and the other circumstances that had occurred, with the intent to ascertain the truth relative to the cause in question; **SHE FULLY DENIED KNOWING WHO WERE THE PERPETRATORS OF THE ROBBERY.** in consequence thereof, his Honor ordered this deposition to be suspended till a more convenient opportunity; and he signed hereto; which I attest.

(Signed) BEGORRAT.

Before me FRANCISCO DE CASTRO.

In consequence of the strong suspicions \*, his Honor entertains of the mulatta Louisa Calderon, a domestic of Pedro Ruiz, concealing the truth relative to the aforesaid robbery expressed in these proceedings; and his Honor being persuaded that she will discover the truth of the matter by means of a slight torment being inflicted on the said Calderon: And whereas his Honor is not invested with power to execute the same, his Excellency the Governor and Captain-General of this island must be made acquainted hereof, with the summary

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\* These suspicions are detailed at full length at pages 70, 71, and 72, of the Address; which vide.

of this process, by virtue of this document, to the intent that his Excellency may determine as may appear to him justice, the usual and requisite forms for that purpose to be adopted and observed by the Notary in this cause: and in pursuance hereof, his Honor thus decreed and ordered; and he signed hereto; which I, the underwritten Notary, attest this day, the 22d of the aforesaid month and year.

(Signed) BEGORRAT.

Before me FRANCISCO DE CASTRO.

Whereupon I, the said Notary, proceeded to the tribunal of the said Governor and Captain-General of this island, and the usual forms having been observed, I made known to his Excellency the foregoing act, as also the summary in conformity as decreed; which I attest.

(Signed) CASTRO.

Apply the torture to Louisa Calderon.

(Signed) TH. PICTON.

His Excellency the Governor and Captain-General of this island of Trinidad thus ordered; and he signed the same on the 23d day of December, 1801.

Before me FRAN<sup>CO</sup> DE CASTRO.

Transmitted these proceedings to the Court of his Honor the Judge of First Appointment.

(Signed) CASTRO.

At the Port of Spain, in the windward islands of Trinidad, on the 23d day of December, 1801, his Honor the Ordinary Judge of First Appointment having seen this act of the cause in question, together with the order given by his Excellency the Governor and Captain-General of this island, by which he directs a slight torment to be inflicted, for the pur-

pose of investigating the truth relative to the robbery: he accordingly has decreed, and hereby orders, that the same shall be carried into execution in this same day, to obviate further delays that may prejudice this cause: at the same time his Honor observed, that whereas the said Louisa Calderon did not appear to be twenty-five years old, his Honor therefore reserves his intention of nominating for her a guardian or advocate. His Honor thus pronounced and ordered, and signed hereto; which I attest.

(Signed) BEGORRAT.

Before me FRANCISCO DE CASTRO.

Whereupon I, the Notary, in the presence of the said Judge, attending at the public prison, and in a room thereof, I made known the aforesaid order for the picket to Louisa Calderon; who being made acquainted with the contents thereof, *she said she did not know who had committed the robbery on Pedro Ruiz*; and she confirmed what she had before attested; which I attest.

CASTRO.

The act of picketing follows:—

When she confessed, that Carlos Gonzales, with whom she once only had a carnal connexion, notwithstanding the intimacy with Pedro Ruiz; *that it was he that had stolen the money from the said Ruiz*; and this she knows from having been an eye-witness thereof; when she came a second time to the house of the said Pedro Ruiz, opened the door with the key she had, she lighted a candle, and having heard blows as if breaking open a trunk, she retired further back, put out the light, locked the door, and concealed herself in the passage close to where Carlos had moved the said trunk; *whom she also saw while he was taking out the sundry bags in which the money was contained, and which he carried off*; that she does not know where the said Carlos had deposited said money; that he has not given

any portion thereof to her, neither did Carlos ever propose to her the said robbery ; and on being remanded, and questioned from what motive, when she saw Carlos committing the robbery, she did not cry out, nor lodge an information to a magistrate, she answered, that she did not know what she was to do, &c. &c.

*Second Examination,*

in which the Judge desired her to declare WHETHER SHE HAD NOT BEEN AN ACCESSARY with Carlos Gonzales in committing the said robbery ; and also to confess where the said money was deposited ; she declared that she never had communicated, in any way whatever, with the said Carlos concerning the commission of the said robbery ; neither did she know where the said money was deposited : whereupon the said Judge admonished her to relate the truth ; for should she not do it, she should be again placed on the picket.

The second act of picketing follows : when his Honor perceiving that she was about to faint, he ordered the officers to loosen her, and to release her from the picket, &c. &c.

(Signed) BESORBAT.

Before me FRANCISCO DE CASTRO.

Then follows the particulars of the *confrontation* of Louisa Calderon with Carlos Gonzales, and both sworn : when Louisa repeated to Carlos that he was the person who had stolen the money from Pedro Ruiz, by breaking open the trunk, and carrying it off ; and which the said Carlos knew was in the trunk that he broke open, from going one night to change some money with Pedro for small silver, and which accordingly Pedro changed for him, Carlos being present when he, the said Pedro, opened the trunk ; to which Carlos replied, that the same was false testimony, &c. &c.

(Signed) FRANCISCO DE CASTRO.

Then follows an attestation of the Notary De Castro, that the houses of Carlos and Pedro Ruiz were both searched by his Honor the Judge, attended by Louisa and the officers of justice, &c.

(Signed) DE CASTRO.

And another attestation, stating, that Carlos *had acknowledged, in the foregoing interview, that he had carnal knowledge of Louisa, though he had formerly denied it on oath, &c. &c. &c.*

(Signed) DE CASTRO.

Then follows a petition from Don Pedro Joseph Perez, partner of Pedro Ruiz, to the Governor, who had been confined on suspicion, stating, that he was innocent of any share in the robbery, and offers bail to be enlarged; and the decree of the Governor, which releases him on finding bail.

December 26th, 1801.

I have now extracted, from a copy of the process transmitted by the Court holden at the Council Chamber, in Port of Spain, (present his Excellency the Lieutenant Governor,) the heads of the legal measures pursued by the Governor, the Magistrate M. Begorrat, the Escrivano Notary De Castro, towards Louisa Calderon, from the period of the robbery, on the 7th day of December, to the conclusion of her punishment; and the date of the petition of Pedro Ruiz's partner, praying to be liberated from gaol, on the 26th of said month.

I shall now state the heads of the *cruel* processes which were carried on against the parties from this date to the day of the conclusion of the whole of the proceedings, on the 8th of November, 1802. The only object I have in view in this enumeration is, to prove that the reports of Louisa Calderon's being wantonly, unnecessarily, and cruelly detained in prison,

are false and scandalous, and, as I have expressed myself at page 68 of this Address, "to determine with satisfaction" "another point which has been triumphantly pressed upon" "as a substantial proof of the tyranny and oppression shewn" "by Colonel Pictor to this unhappy culprit."

I find, that in this stage of the proceedings, the period of the duty of Alcalde of the First Election had expired; and that the gentleman who succeeded Don Hilario Begorrat in this office was Don Josef Francisco Farfan, whose first act in this business was, an order for an attachment to be laid on the effects of the thief, Carlos Gonzales, and for placing the same in deposit in the custody of a person whom he appointed a depositary for the purpose; his wife, and another person named in the process, were sworn to deliver a faithful account of his effects, and to be at all times forthcoming at the orders of the Judge.

*January 2, 1802.*

The Judge proceeds to take the depositions of different witnesses, as to the character and conduct of Carlos Gonzales.

*January 15, 1802.*

Depositions of Juan de la Rosa, Julian Fanabria, and Martin Gabriel, all arraign the character of Carlos Gonzales.

Examination of Gonzales.

*February 11, 1802.*

Deposition of Nicholas Yriarre to impeach the character of Gonzales.

Examination of Gonzales and Louisa Calderon, face to face; in which she tells him positively that she saw him break the trunks and take the money: and he denies every thing.

Carlos Gonzales petitions to be released from prison, on finding competent security.

The Judge orders Gonzales and Louisa Calderon to be brought before him, and taken to the house of Pedro Ruiz; his Honor attending to inspect the place minutely where the robbery was committed.

The Judge visits the prison, and orders an additional pair of irons on Gonzales and Louisa.

Carlos's wife petitions that a physician may be sent to her husband on account of sickness which he had contracted from being so long in prison; *this was on the 17th day of February*; and to order his release if his bad health is certified.

*February 16, 1802.*

Dr. Williams visits him, and declares on oath, that Carlos has a slight indisposition, which proceeds, in his opinion, more from the uneasiness of his mind, by reason of his confinement, than any infirmity of body.

Louisa is ordered to name her guardian, or advocate, being a minor or not twenty-five years of age, to conduct her defence, or in default thereof one will be appointed for her; and after this is done, she must confirm all the acts and depositions hitherto made by her. On the notification of this to her she says, that she applied to four different persons, who refused.

His Honor appoints Don Juan Bermudez as advocate and defender of Louisa.

Petition from Pedro Ruiz, praying that the depositions of certain persons named, may be taken relative to the robbery.

Notice of cause being suspended till the 8th of March, on account of the absence of the advocate Don Juan Bermudez, who had been in another quarter of the island.

*March 9, 1802, three Months from the first Day of Imprisonment.*

Don Bermudez is sworn to defend his minor Louisa.

by every effort, both in judicature and thereout; and that he would pursue the advice and counsel of persons of knowledge, conscience, and experience, who may point out to him the best means to defend his minor; and if, through any neglect on his side, there should result any damage or prejudice to his said minor, he shall make good the same with his person and effects both present and future; and he thus bound himself; and he became liable to be fined to the utmost rigor of the laws, rights, and privileges, that otherwise might operate in his favor.

The Judge, upon his oath, confers the charge of advocate upon Don Bermudez, and gives him full powers to act as such.—Decrees that charge and intimation be given to Carlos and Louisa, and a copy, that they may defend themselves as they can within twenty common days.—With various other orders for witnesses, depositions, &c. &c. &c.

*April 1, 1802.*

Don Pedro Josef Perez, a witness, cited, and confirms his former deposition on oath.

Don Francisco de Salazar, Juan de la Rosa, Cyprian Villa de Nueva, and Theresa Allen, cited, and confirm their several former depositions on oath.

*April 3, 1802.*

The Negro Topen cited, confirms his former deposition on oath.

*April 5, 1802.*

The Negro Pedro cited, (slave of Pedro Ruiz,) confirms his former deposition on oath.

*April 6, 1802.*

Josef Rodriguez cited, confirms his former deposition on oath.

Juana Talavera, wife of Carlos, petitions that 200 dollars

may be granted her, out of the property of her husband ~~put~~ under attachment, in order to support herself and family, being in great distress.

*April 11, 1802 (supposed 7.)*

Judge decrees 150 dollars to be given to her out of that property, she giving her receipt for it.

*April 8, 1802.*

Josefa Maria cited, confirms on oath her former deposition.

Honore Verat cited, confirms her former deposition.

Honore Verat again cited, and deposes on oath, that as to the depositions of Josef Arnaud, a witness who was cited on this occasion at a former time, and who is now absent, and which he is now made acquainted with, that the said Arnaud is a good Christian, and a man of good character ; and he, the witness, vouches for him, and believes and considers as true the whole contents of his aforesaid deposition.

Gaspar Dias cited, and confirms on oath his former deposition.

Nely, a negro woman, cited, and confirms her former deposition on oath.

Antonio Josef, a free mulatto, cited, and confirms his former deposition on oath.

*April 9.*

Julian Sanabria cited, and confirms on oath his former deposition.

Martin Gabriel cited, and confirms on oath his former deposition.

Nicolas Yriarte cited, and confirms his former deposition on oath.

*April 21, 1802.*

Don Juan Antonio Cypriani cited ; and states, that he had

heard it said by Don Lorenzo Placet, that he suspected having been robbed of sundry goods by Carlos Gonzales, who lived contiguous to his warehouse.

Don Antonio Sertin cited, and swears, that he does *not* recollect, nor can he assert, that Don Lorenzo Placet ever uttered these expressions.

May 19.

Then comes the *Plea or Defence of Louisa Calderon by Don Juan Bermudas, her Advocate and Guardian*. Bermudas cites *Elizonda* in her defence, also " Ecclesiastical Court, or Code of Laws ;" acknowledges she was fourteen years of age ; (this says that Louisa has been confined for *six months*, but it has no date;) and says, he has no ocular witnesses to produce for greater justification ; and refers entirely to what he has mentioned in his defence of her.

Don Diego Antonio de Alcala, Carlos's attorney, appears in Court, and requests that his Honor will order the publication of the evidence, and that declaration may be legally made of the proceedings to the parties, in order to allege their defence.

The Judge decreed this.

June 1.

Don Juan Bermudas declares, that he rests his defence on the memorial already delivered by him.

June 16.

Don Pedro Ruiz appears, and says, that he has no further evidence to bring forward in his cause ; and supplicates the Judge to pronounce sentence with the general consent of the parties ; publication is to be made of the evidence brought forward by them respectively, and regular delivery of the process must be made, in order that they may

allege respectively in their own behalf as may be deemed just.  
**Mr. Black, Alcalde of the Second Election, signs this.**

*June 25.*

**Don Juan Bermudas, the Advocate for Lotisa Calderon, appears in his Honor's Court, and declares that he has nothing further to allege on the behalf of his client, and refers to her memorial for every thing.**

Then come evidences on behalf of Carlos Gonzales; and interrogatories are stated whereon to ground the evidence brought forward on the behalf of Carlos Gonzales; thirteen questions are put to these witnesses, which are stated at length, and signed by the wife of Carlos Gonzales,

**JUANA TALAVERA.**

Representation on each of the interrogatories before the Judge Black, by Carlos Gonzales; and signed by his wife, Juana Talavera, praying that the examinations of witnesses may be taken, and that Ruiz may be obliged to swear whether he did not come to Carlos, some two or three months previous to the robbery, to borrow 200 dollars, saying that he was very poor, and other requests, as to be set at liberty on giving bail, &c.

**Decree of the Alcalde (Farfan) on part of this petition.**

**Reference of notice of another part to Pedro Ruiz.**

**Examinations of Pedro Ruiz on the aforesaid.**

*June 26.*

**Examination of witnesses in favor of Carlos Gonzales.**

**Don Lucas Macely replies on oath to all the thirteen interrogatories, put separately and distinctly.**

**Juan Domingo Antonio replies on oath to the thirteen interrogatories, separately and distinctly.**

**Don Josef Barthelier replies on oath to the thirteen interrogatories as above.**

Raphael Mates deposes on oath to thirteen interrogatories as above.

*June 27.*

Juan Santiago Jacome deposes on oath to the thirteen interrogatories as above.

Bartholomai Garcia deposes on oath to the thirteen interrogatories as above.

Don Geronimo Bermazas deposes on oath to the thirteen interrogatories.

Francisco Antonio deposes as above.

A power of attorney from Carlos and his wife to the Attorney and Escrivano to act for them in every thing relating to this cause.

*June 28.*

Don Diego de Alcalá presents a petition, requesting the Judge to extend the time of twenty days more, to enable him to produce the evidence.

The Judge grants or decrees twelve current days more, with positive denial of any further extension.

(Signed) BLACK.

A memorial of Diego Antonio de Alcalá to call for other persons on certain matters relating to said proofs.

Granted and decreed by the Judge.

*June 29.*

Deposition of Francisco Febles as to the tenor and terms of said memorial.

Maria Calderon deposes as to said memorial.

Benancia, a mulatto, deposes to said memorial.

Catadena Viga deposes on oath to said memorial.

Concepcion Caledonia deposes on oath to said memorial.

Louisa Calderon deposes on oath to the said memorial.

Pedro Josef Perez deposed to the contents of the said memorial.

*June 30.*

Diego Antonio de Alcala presents a memorial to get leave to reply to the evidence, by calling more witnesses.

Granted by the Judge Farfan.

*July*

Domingo Rodriguez deposes as to the said memorial on oath.

*July 4 & 5.*

Don Diego Antonio de Alcala, Carlos's attorney, memorials the Judge that the merits of this case being made up and prepared for definitive sentence, his Honor ought to declare the accusation of Pedro Ruiz to be unfounded and malicious; and that he ought to declare him an impostor, and condemn him in pains and penalties of the law. He declares his client innocent, and goes into an examination of the witnesses: he urges a variety of ingenious arguments to prove that the robbery was merely fictitious, and requests his Honor to decree as above.

*July 6, 1802.*

The Judge orders that the said cause must be transmitted to the Governor by the Notary with all due forms usual and customary.

FARFAN.

*July 18.*

Don Diego Antonio de Alcala, by a memorial, solicits the appearance of Domingo Rodriguez, and of Pedro Perez, to declare some evidence particularised.

Decreed by the Judge.

There being first duly observed the usual forms and solemnities, I delivered into the hands of his Excellency the Governor those proceedings, in pursuance of the decree; which I attest.

CASTRO.

GOVERNOR'S DECREE, *August 3.*

Duly considered and examined these proceedings, it is hereby declared, that the robbery was committed by Carlos Gonzales, according to the evidence, and other circumstances expressed in the cause; and in consequence thereof, inclining to equity and mercy, he is hereby condemned to perpetual banishment from this island, to a fine of 1800 dollars, to pay all the costs of this process, and to labor on the public works till the term of this his sentence shall be fulfilled; which said fine shall be applied to indemnify the said Pedro Ruiz, and the mulatta Louisa Calderon shall be set at liberty, and considered to have expiated the offence by the long imprisonment she has suffered.

(Signed) THOS. PICTON.

Then follows a taxation of costs.

Carlos Gonzales petitions the Governor to remove to his own dwelling-house; wherein he promises that his confinement shall be as strictly observed as if he were in prison, until the moment of his departure from the island, and for an authentic copy of the acts. He offers also the legal security for close confinement, and proposes a bondsman.

The Governor decrees that the decree must be put in force.

(Signed) T. PICTON.

*August 5, 1802.*

Carlos Gonzales petitions the Governor, that if there is enough of money in the depositary's hands to pay the fine and costs, that he may be set at liberty to depart the island with all possible dispatch.

Governor decrees, the High Constable shall conduct him to the beach, or quay, when his embarkation takes place, for him to pursue his destination.

TH. PICTON.

August 8.

Carlos delivered to the master of a brig, and a receipt passed for him.

Carlos's wife petitions the Governor that the depositary may give an account of all the remaining effects in his hands, &c. &c.

As requested.

TH. PICTON.

Other petitions and requests follow from Carlos's wife to the Governor; which are granted.

Piety, the depositary, in settling all the accounts which are put forth at full length in the process, petitions, on paying in the balance, to be exonerated and released from all responsibility.

Granted.

THOMAS PICTON.

Carlos's wife petitions the Governor against the charges of repairing the boat against Piety.

Their Honors the Judges to decide thereon.

T. PICTON.

September 13, 1802.

Don Pedro Ruiz petitions the Governor that the money awarded him should be paid immediately, as then in great distress.

As requested.

T. PICTON.

September 16.

Pedro petitions the ordinary Judge that he should be paid immediately.

The Judge decrees that the decree of the Governor must be enforced, and the money paid within three days, under pain of execution.

Pedro again petitions the Governor that sentence and judgment may be pronounced against Pietry, unless he immediately pay the amount of his claim.

As requested.

J. PICTON.

*September 28.*

Don Miguel Pietry petitions the Judge to direct that Carlos's property may be put up to auction, and sold to the highest bidder ; and should the effects be not sufficient to discharge this debt, he will make good the deficiency.

As requested.

J. BLACK.

*October 24.*

Don Miguel Pietry appears in Court, and pays to Pedro Ruiz 1800 hard dollars.

Pedro acknowledges himself paid to his satisfaction.

Carlos's wife petitions the Judge on account of some other claims she has ; which are directed to be investigated by witnesses.

The examination detailed.

*November 9, 1802.*

Judge's decree on this point.

Some other unimportant petitions and decrees follow ; the last is dated NOVEMBER 18, 1802.

JOHN BLACK.

AND THUS THE PROCESS CLOSES, AFTER AN INVESTIGATION OF ONE YEAR ALL TO EIGHTEEN DAYS.

## No. II.

Instructions\* to our Trusty and Well-Beloved Thomas Picton, Esquire, our Governor and Commander in Chief in and over our Island of Trinidad. Given at our Court at Saint James's, the first day of June, 1801, in the forty-first Year of our Reign.

I. WITH these our Instructions you will receive our Commission, under our Great Seal of our United Kingdom of Great Britain and Ireland, constituting you our Governor, and Commander in Chief, in and over our island of Trinidad. In the execution therefore of our said commission, you are to take upon you the administration of the government of the said island, and to do and execute all things belonging to your command, according to the several powers and authorities of our said commission, under our Great Seal of our United Kingdom of Great Britain and Ireland, and of these our instructions to you, and according to such further powers and instructions as you shall at any time hereafter receive under our signet and sign manual, or by our order in our Privy Council.

II. And you are, as soon as convenient, to choose from amongst the proprietors of the said island a Council, consisting of not more than five, nor less than three persons, who may be able to assist you in all the details of administration and police within your said government. And you are hereby required to consult and advise with the said council; and in cases of importance, and where you shall judge that our interests may require it, you are hereby authorized to act contrary to their opinion, calling upon them in such cases to

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\* Many parts of these instructions being unnecessary to any purposes of my address, I have inserted only all such parts as have any relevance.

state their opinions in writing, with their reasons for the same; and you are to transmit to me, through one of our principal Secretaries of State, the opinions of your said Council, together with your own opinion, and your and their reasons on every such occasion, for our information; and you are further authorized from time to time to remove the members of your said Council, or any of them so to be chosen by you as aforesaid, in case you shall find it necessary for our interests, and the public service of the island, and to choose others in their room, taking care nevertheless to assign and transmit your reasons for so doing, by the next immediate opportunity, to one of our principal Secretaries of State for our information.

V. It is our will and pleasure, that for the present, the temporary administration of the island should, *AS NEARLY AS CIRCUMSTANCES WILL PERMIT*, be exercised by you according to the terms of the capitulation hereunto annexed, in conformity to the ancient laws and institutions that subsisted within the same, previous to the surrender of the said island to us, subject to such directions as you shall now, or hereafter, receive from us, under our signet or sign manual, or by our order in our Privy Council, or to such sudden and unforeseen emergencies as may render a departure therefrom absolutely necessary and unavoidable, and which you are immediately to represent to one of our principal Secretaries of State, for our information; But it is nevertheless our special command, that all the powers of the executive Government within the said island, as well civil as military, shall be vested solely in you, our Governor, or in the person having the government of the said island for the time being, and that *such powers as were heretofore exercised by any person or persons separately, or in conjunction with the Governor of the said island, shall belong solely to you our Governor, or to the person having the government of the said island for the time being.* And it is our will and

pleasure that all such public acts and judicial proceedings, which before the surrender of the said island to us, were in the name of His Catholic Majesty, shall henceforth be done, issued, and performed, in our name.

VII. *It is our will and pleasure, that for the present, and until our further pleasure shall be signified therein, the same courts of judicature, which subsisted in the said island previous to the surrender thereof to us, shall, for the present, be continued in the exercise of all the judicial powers belonging to them, in all criminal and civil cases, and that they shall proceed according to the laws by which the said island was then governed, and that such judicial powers, as, previous to the surrender of the said island to us, were exercised by the Spanish Governor, shall be exercised by you our Governor, in like manner as the same were exercised previous to the surrender of the said island.*

XI. And whereas you will receive from our Commissioners for executing the office of High Admiral of Great Britain, a commission, constituting you Vice Admiral of the said island, you are required and directed carefully to put into execution the several powers thereby granted to you.

XII. You are hereby particularly authorized and required, for the better security of the said island, and for the maintenance of good order within the same, to raise such troops therein, and to call out and embody such companies or corps of militia, as you shall judge necessary for that purpose. *With the same view of maintaining order and good government, you are also authorized to disarm such of the inhabitants of the said island as are not employed in any military capacity, or have not your licence for keeping their arms, and during the present war, to remove from the said island such persons as you shall see cause to suspect of adhering to our enemies, and the continuance of whose residence in the said island may be found to be dangerous to the peace and security thereof.*

## No. III.

*State of the Colony at the time of the capture by Sir R. Abercromby, K. B., as taken from the depositions on Oath, of the following Gentlemen, before the Court, at Port of Spain.*

Present,

His Excellency the Lieutenant Governor.

*Vincent Patrice, Esq. on Oath.*

Q. How long have you been resident in the island?—A. Eighteen years, during fourteen of which I have been employed in the service of Government.

Q. What was the state of the colony at the period of its capture?—A. When Captain Vaughan, of the Alarm frigate came here, the people broke open the magazine of arms, and armed themselves contrary to the orders of government, for many days, and when tranquility was re-established, a large quantity of these arms remained in the possession of the people of color; that their whole race was in a state of insubordination when the colony was captured.

*Chevalier de Games.*

Q. How long have you been resident in the colony?—A. Since the year 1793. When I arrived in the colony there were a number of bad subjects in it, and it was threatened with a general subversion of good order.

*Lazare Achard, Esq.*

Q. How long have you been resident in this colony?—A. Eighteen years.

Q. Did you know B. General Picton, and what was his general character as Governor of this island?—A. I knew B. General Picton as a just man, and of integrity, and shall always owe him an eternal gratitude, for having preserved my life and fortune by his courage, activity, and abilities, in times when we were threatened with fire, and the malevolence

*of the negroes, and other vagabonds, who only waited for a favorable moment to cut our throats.*

*The Honorable John Nihell, Esq. Member of His Majesty's Council, and Judge of the Court of Consulado, &c.*

Q. How long have you resided in this colony?—A. Between nineteen and twenty years.

Q. What was the situation, political and civil, of this island, previous to the conquest of it?—A. For several months, and even years, immediately preceding the conquest, the English, and other good people of the colony, considered themselves in constant danger of assassination, of being guillotined.

Q. Was not yourself shot at, and nearly murdered in the street?—A. I certainly was, on the 18th of May, 1796, in company of several respectable inhabitants, while in the actual exercise of magisterial duties, I being then Alcalde of the second election. A negro was mortally shot near me, another was wounded, and a relation of mine, who stood close to me, received a ball in the skirts of his coat.

Q. Were the perpetrators of these outrages apprehended and punished by the Spanish Government?—A. They certainly were not; *but this proceeded from their immense numbers in the colony, and the trifling force which the government had for its protection.*

Q. Do you mean to say then that there existed in this colony a considerable faction which overawed it?—A. I certainly mean to say so, and that faction was so very considerable, and so powerful, that Mr. Chæon, after the island was taken, often assured me that peace and quietness could not be preserved in the colony with a garrison of fewer men than 3000 regular British troops. Colonel Picton's effective force at that time was 498.

Q. Were not the French very numerous, and the then revolutionary principles of France very strong among all colors and classes in the colony?—A. Most certainly.

Q. Did not B. General Picton preserve order and tranquility in the colony, after the capture?—A. He certainly did.

Q. To what do you ascribe it?—A. To the firmness of his government, and his apparent determination to suffer no such principles to remain in the colony; in consequence of which, in a very short time, the principal leaders of the faction before described, disappeared, and the others of the party remained quiet and peaceable.

Q. To what do you ascribe the present flourishing situation of this colony?—A. I certainly ascribe it to the firmness and uniform conduct of General Picton, in giving ample protection to all good and peaceable subjects, and driving from it all of a contrary character.

*Nicholas St. Pe, on Oath.*

Q. How long have you been resident in this colony?—A. Twenty-eight years, and upwards.

Q. Had you any public employment during the Spanish government?—A. I was regidor in 1784; in 1787 I was Alcalde de Barrio, the two following years, and Commandant of the Quarter of La Brea afterwards.

Q. What was the political situation of the colony, and the state of its interior police at the time of the conquest?—A. The political state of the colony was very afflicting; the police was inefficient, though it had been very good some time before. It was very dangerous at the time of the conquest, to do any acts of severity in police, because the government did not think it had sufficient force to repress disorders, and when complaints were made of any aggravating nature, the government persuaded them to patience. The cause of this was, a numerous population, consisting of various characters of different opinions, and the bad doctrines which had been adopted here among the free and enslaved, and among some whites also.

Q. Did not flagrant crimes pass with impunity?—A. When

I first became resident in the town; until 1789, there were many assassinations, some were punished, and some were not. Masters were murdered by their slaves, and whites who had assassinated whites; since then, until the capture of the island, I remained on my own estate.

*The Honorable Philip Langton, Esq. Alcalde of the First Election.*

Q. How long have you been resident in this colony?—A. About eighteen years.

Q. Had you any public employment in this colony, under the Spanish government?—A. I was perpetual Alcalde, Provincial Mayor, by commission from His Catholic Majesty, since about the year 1790, and Commandant of the Quarter of Naparima at the time of the capture of the island; I was also Regidor of the Cabildo.

Q. Are you not a proprietor of a sugar estate in this island, and was you not so at the conquest of the island?—A. I am, and have been so thirteen or fourteen years.

Q. What was the political situation of the island, and what the state of its interior police at the time of the conquest?—A. Anarchy and confusion; and, I believe, considered by all well disposed people, as on the brink of ruin, for want of energy in the government. The Spanish Governor declared to me, shortly after the conquest, that it was impossible for the British Governor to keep the island in subjection, and prevent it undergoing the same fate as the other colonies, without a powerful force either of 3 or 4000 men.

Q. Did the colony bear any, and what different aspect, on B. General Pieton's taking the command?—A. A great alteration for the better; public tranquility, and public confidence was restored, and both agriculture and commerce flourished to a degree unprecedented in this colony.

Q. Do you not attribute the flourishing aspect of the colony as much to the English industry, as to the government and exertions of B. General Pieton?—A. I think the introduc-

tion of English capital, joined to the exertion and activity of B. General Picton, was the cause of it.

*The Honorable St. Hilaire Begorat, Member of His Majesty's Council.*

Q. How long have you resided in Trinidad?—A. Since April 1784, twenty-one years.

Q. What was the political state of the colony immediately preceding the conquest of it by Great Britain?—A. A state of anarchy and confusion, every day threatened by conspiracy: two grand conspiracies were discovered a little time before the conquest of the island, one of Naparima, agitated by a free negro, called Bernard Cloze, and the plan was to begin by burning and destroying the plantations, and assassinating the proprietors, of which there is a legal proceeding in the office of Castro, against the offenders; the other at the Carénage, discovered by the Commandant of the Quarter, Mr. Noel, and connected with some people in Port of Spain, and the proceedings against the offenders are also in Castro's office.

Q. Were not murders, assassinations, rapes, and robberies, frequently committed in the island at that time?—A. Yes, and with impunity.

## No. IV.

*Treatment of Louisa Calderon in Jail, from the Depositions, on Oath, before the Court holden at Port of Spain.*

Present,

His Excellency the Lieutenant Governor.

*De Castro, the Escrivano, on Oath.*

Q. Was Louisa Calderon put in stocks before, or between the examinations?—A. No, I do not remember.

Q. During the whole time of her imprisonment, was she confined in irons, or at any time during her imprisonment?

—A. I am not sure, but believe, that during the latter period of her imprisonment the grillo was taken off.

Q. *By the Court.* What is the nature of the grillo you mentioned? describe it?—A. It was a bar of iron, that past through a post, and the ring of the iron was put round her leg.

Q. *Was the picket on which Louisa Calderon was placed, an iron spike, or a sharp wooden one?*—A. *A wooden one, not pointed.*

Q. Was it round or square on the top, and what was the diameter of the top?—A. It was round, without point, and about an inch in diameter on the top.

Q. Were her feet, or her hands torn, or made bloody by the said operation?—A. No.

Q. Was any surgeon or other medical man called for, by her, or others, or was their attendance made necessary by her being so put on the picket?—A. No.

Q. You have said that she fainted after either the first or the second time of her being put on the picket; did such fainting appear to you to be real or affected?—A. By the way that she conducted herself during the whole of the proceedings, it may be that there was some affectation in her fainting, but I cannot say certainly.

Q. Did not Mr. Begorrat, the attending Judge, on the appearance of her fainting, immediately order her to be taken down?—A. Yes, and gave her some wine and water with his own hands, and she immediately recovered.

Q. When Louisa Calderon went to Pedro Ruiz's house after being picketed, did she walk, or was she carried?—A. She walked.

Q. What is the distance of the prison to Pedro Ruiz's house?—A. Three cross streets, I believe.

Q. Did Louisa Calderon walk, or was she carried back to the prison?—A. She walked.

*Jean Baptiste Vallot, Gaoler, on Oath:*

Q. Were you not gaoler in this island, in the year of our Lord 1801?—A. Yes.

Q. Was Louisa Calderon committed to your custody in that year, and by whom and for what crime?—A. Yes, by General Picton, on a charge of being an accomplice in a robbery.

Q. Did she, at either of those times, appear to suffer great bodily pain, or utter loud cries or lamentations?—A. She did not appear to suffer much; on the contrary, she appeared to be resolved to bear any thing. She did not utter loud cries; on the contrary, I was surprised at her being so resolute.

Q. What instrument was that picket?—A. It is a bit of wood squared, about an inch in diameter.

Q. Did she require a surgeon or medical assistance after being taken down?—A. No.

Q. Did you see any symptoms of inflammation, or did she complain of fever?—A. No.

Q. Were her hands, arms, or feet, torn or lacerated by the punishment?—A. No, not at all. She made no complaint whatever.

Q. After the picket, do you recollect her going to Pedro Ruiz's house with the Alcalde, Mr. Begorrat?—A. I did not go with her; and I do not recollect whether it was before or after the picket that she was taken to Pedro Ruiz's house.

Q. Was Louisa Calderon treated like other prisoners confined on similar charges?—A. She was treated better than any other prisoners: I never received any orders to treat her rigorously.

Q. In what kind of a room was she confined? Describe it.—A. She was in a large room, the whole length of the gaol, over the prison.

Q. Was it a comfortable lodging for a prisoner?—A. It was a place appropriated to white people; the best in the prison.

Q. Were her relations, after the declarations were taken, never refused access to her at proper hours?—A. No, never: they saw her when they chose.

*The Honorable St. Hilaire Begorrat, on Oath.*

Q. Describe to the Court what the picket was?—A. A small piece of wood, of about five or six inches long, and about one inch or one inch and a quarter square on the top, fixed to the floor.

Q. Was it pointed or square on the top?—A. It was about an inch, or an inch and a quarter square on the top.

Q. Did you deem Louisa Calderon's fainting, or appearing to faint, to proceed from excess of suffering, or from affection?—A. By her obstinate conduct in all the business, and after I gave her a glass of wine and water, she recovered immediately, and therefore I think it proceeded from affection; and because, two days afterwards, I ordered a general confrontation between her, Carlos, and all the witnesses, on the very spot where the robbery was committed, and she walked from the gaol to the spot, a distance of about fifteen hundred paces, and afterwards returned to the gaol, as if she had not suffered the torture; and whilst on the spot, she shewed how Carlos had taken the trunk, brought it to the door, and broke the padlock and took away the money, she smoking a segar all the while.

Q. Did she require the assistance of a physician or surgeon after either of the picketing?—A. No.

*Don Francisco de Farfan, on Oath.*

Q. Were you not the Alcalde of the first election, in the criminal prosecution against Louisa Calderon; and for how long a time did you officiate therein?—A. I was Alcalde of the first election, and officiated as such in the business of Louisa Calderon, from the 1st January, 1802, and continued the process until the proofs were completed, and then transferred it to the superior tribunal.

Q. Did you see Louisa Calderon at the time of her being

picketed, or at any other time?—A. I did not see her at the time of her being picketed, but I saw her eight or ten days afterwards.

Q. Did she appear sick or lame?—A. No; she had no marks.

Q. Did she complain to you of her being too rigorously confined, or ill treated by the gaoler, or did she ever apply for medical aid?—A. Never; on the contrary, the wife of Carlos Gonzales complained to them that *Louisa Calderon was at large in the gaol, while her husband was close confined.*

Q. Was Louisa Calderon in irons when you saw her?—A. She had a kind of iron in which she could stand and sit, but which could no ways molest her: I believe that iron was only put on when I visited her.

Q. Was that iron fastened to the floor?—A. I did not examine; I found her sitting, and the iron appeared to be secure.

Q. Could she take exercise about the room?—A. I have already said, I could not answer.

Q. Had she, both times you saw her, irons on?—A. Yes, I always found her in the same situation.

Q. Will you swear that she was fastened, by those irons, to the spot in which she was sitting?—A. I have already answered, that I did not examine her situation.

## No. V.

*Proceedings of the Commissioners and Council in consequence of Mr. Black's Declaration.*

First, Upon motion made and seconded, **RESOLVED**—That the First Commissioner, *Colonel* William Fullarton, in taking possession of the criminal records deposited in the office of Francisco de Castro, (a Public Scrivener, and Regidor of Cabildo,) one of the public Archives of this colony, without the knowledge and consent of Brigadier General Picton and Commodore Hood, (as declared by them at this board,) both being present in the government, and without giving a receipt or specific acknowledgment for the same, *Has acted contrary to his duty to His majesty*, who appointed him joint Governor, and not sole Governor of Trinidad :

**RESOLVED**—That the said *Colonel* William Fullarton has, in the opinion of this Board, for the above reason, acted in breach of duty to his colleagues in the government of this colony:

**RESOLVED**—That the said *Colonel* William Fullarton has, in the opinion of this Board, for the above reasons, also treated the Council with contempt and insult, because, at its meeting of the seventeenth day of March, the following motion was made and carried, *Colonel* William Fullarton presiding, and of which he could not plead ignorance ; to wit : “ As the First Commissioner’s paper, No. 4, contains insinuations of a most insidious nature, calculated to impress His Majesty’s Ministers with opinions injurious to the government, at the head of which the Brigadier presided during dangerous and perilous times, he thinks it his duty to move, That the Alcaldes in

“ Ordinary be called upon to produce copies of all the criminal proceedings that have been carried on in their respective offices since the 1st day of March 1797; and that they be remitted by the Clerk of the Council to the office of his Majesty’s Secretary of State, the Right Hon. Lord Hobart; ” And these aggravations this Board conceives to be the greater, as *Colonel William Fullarton* put himself in the situation of public informer, and denouncer, against the whole military and civil authority of the late government of this colony; and it is the first time this Board ever learnt that an accuser was to wrest the strongest means of defence out of the hands of the accused (which these public records must be supposed) and to vest them exclusively in his own :

**RESOLVED**—That the conduct of the First Commissioner, *Colonel William Fullarton*, in the house of the Honourable John Black, Alcalde of the First Election, in the evening of Monday last, in the manner just read and stated before this Board, was guilty, in their opinion, of an insult to the Board of Council, who had recommended proceedings against the said Francisco de Castro for breach of public duty, and an outrage of the most violent kind against the laws; as the persons and houses of all Magistrates are, or ought to be, deemed sacred, and prisoners once in legal custody never attempted to be rescued, but suffered to remain until discharged by due course of law :

**RESOLVED**—That *Colonel William Fullarton*, by nominating Francis de Castro (when a prisoner in legal custody for a breach of public duty on the evening of Monday last) to the honorable and confidencial post of Commissary of Population, in the room of Major Williamson, as proved by the declaration of Mr. Black, lost all respect for his colleagues, for this Board, and for this colony :

**RESOLVED**—That Brigadier General Picton and Commodore Hood be requested to give out in public orders, that

the military attend to the calls of the Magistrates, Commandants of Quarters, and Alcaldes, whose houses may be entered against their consent, their persons insulted, and their authorities attempted to be weakened or brought into contempt.

**RESOLVED**—That the First Commissioner's application to this Board, soon after his arrival, for the establishment of a schooner to serve in the Surveyor-General's department, (although two brigs were sent out by Government, and offered by Commodore Hood for that service, was, on the ground of the excessive expence it would incur, and little utility to accrue from it, rejected; That the same application having been afterwards made, for the same reasons was again rejected; and the schooner Start, in both instances proposed, being now hired, affords just reason to this Board to suspect, *that the First Commissioner's design, in making such applications, was to impose fictions on this Board, to effect his present purpose of deserting his post in the said schooner Start, and concealing the public records*:

**RESOLVED**—That His Majesty's First Commissioner, by CONNECTING HIMSELF WITH THE DISAFFECTIONED CHARACTERS AND CLASSES OF INHABITANTS INIMICAL TO THE FORMER GOVERNMENT, hath produced the effects such conduct was calculated to promote; for this Board views with sorrow and indignation, that a spirit of party and faction is kindling among the white inhabitants of all nations and languages; that the legal authority of the master over the slave is weakehed; that mutinous ideas are excited in the minds of the numerous bands of free coloured people, who, by steady government and vigilance, particularly immediately before his administration, were tranquil, loyal and happy. That the authority of the Commandants of Quarters is brought into contempt and insult, and the whole Civil and Criminal Administration committed to their charge, with the wise system of police established and

found efficacious for six years, and even in time of war to keep good government, in the most imminent danger of being overset and extirpated.

The Board having taken into its serious consideration a retrospect of the whole conduct of the First Commissioner, Colonel William Fullarton, since he has been in the exercise of this government, and compared it with the present desertion of his post, withdrawing from the Commission, and the Council, enlevement of the public records, and the contempt with which official requests to produce these records, or to inform where they are deposited, have been treated,

*RESOLVED*—That he, the First Commissioner, has lost the confidence of this Board, and that these resolutions, with all respect and humility, be laid before His Majesty, together with all the Minutes of Council, instead of the proposed Address, and that His Majesty's Ministers be humbly prayed to advise His Majesty to remove him for ever from the government of this colony

## No. VI.

Pall Mall November, 13. 1804.

My Dear General,

HAVING lately perused some observations from the pen of Mr. Fullarton, in a letter addressed to Lord Hobart, dated March last, which are designed to reflect on your military dispositions at Trinidad, at the time when General Grinfield inspected that garrison in the beginning of the year 1803, it is but justice to declare, that not only facts are misrepresented, but such ill-founded assertions are adduced, as must subject the writer to the heavy charge of a breach of veracity.

It is very far from my intention to note the particular occurrences which transpired during General Grinfield's residence at Trinidad, but in respect to the mal-arrangement

imputed to you, which induced the "*constant vociferation of the Commander of the Forces on the parade, in the barracks, and in the hospitals,*" I shall not deviate an iota from the path of truth, when I avow, that so far from any difference of opinion existing between General Grinfield and yourself on military points, either "*on the parade, in the barracks, or in the hospitals,*" the utmost harmony of sentiment prevailed, and continued unalterably to exist between you: indeed I well remember, in private societies, such opinions to have been entertained and expressed by him.

Respecting the awkward performances of the troops in receiving General Grinfield on his landing at Trinidad, I recollect that part of a Black regiment wheeled by sections instead of divisions; which mistake was immediately corrected by yourself; but I never heard of the exclamations attributed to one of General Grinfield's suite, "*That these troops are twenty years behind.*"

General Grinfield remained on the island of Trinidad for the space of three weeks, and for the first week accepted Mr. Fullarton's offer of accommodation in the house of the First Commissioner. Although he had every reason to be pleased with the hospitality of the entertainment, yet frequent interruptions to official business, and a disposition on the part of Mr. Fullarton to enter argumentatively into the progress and circumstances of the quarrel between yourself and him, resolved the General to leave Mr. Fullarton's house, and take up his abode at the inn, where he continued till the period of his embarkation. Mr. Fullarton at that time presented the papers alluded to, containing copies of the discussion respecting Madame du Val and Mr. Woodyear.

From the assertions of Mr. Fullarton, "that he had purposely avoided saying any thing to General Grinfield that might rouse him against you," I cannot but suppose that he has *purposely forgotten* a long private conference which took place between General Grinfield and himself *on his arrival*

*at Barbadoes from England*; and from the subsequent and immediate declaration of General Grinfield; that, "apprehending a disagreement between Mr. Fullarton and Brigadier General Picton, he would take care to steer clear of all disputes not military," it is natural to infer, that arguments had not been wanting to prepossess General Grinfield with an unfavourable opinion of your conduct and actions.

Actuated by no other principle but that of justice, I have committed to paper this simple narrative; as, from my situation in the West Indies, I had every opportunity of judging of the facts above alluded to; and if my testimony can in any way be serviceable to you in correcting mis-statements, and refuting calumny, I shall be most happy in discharging such duties.

Believe me, with esteem,

Yours very truly,

E. DRAPER.

## No. VII.

### *Copy of a Letter from Brigadier General Maitland to General Picton.*

Dear Picton, *Barbadoes, August 24, 1804.*

I HAVE seen an assertion in a late publication, that I obtained the government of Trinidad for you. It appears also, that you have publickly said, that it was offered to you.

On my part I declare, that you were not indebted for that appointment to any interest which I made with Sir Ralph Abercromby, for I made none to that end.

The observation that your knowledge of the Spanish language was a peculiar advantage to you in that situation, I certainly have frequently made, and I believe did make about the time of your appointment. But whether I made

this remark to Sir Ralph or not, (which at this distance of time I can neither affirm or deny), of this I am clear, that I made no interest to obtain the government for you.

When it is known that you were in Sir Ralph's suite, (though you held no situation, you lived in his family,) from January 1796 until your appointment at Trinidad, within which period you made *two voyages* with him, in His Majesty's ship *Arethusa*, Captain Wolley, the one from the West Indies to England, the other from England to the West Indies; that during these voyages you (I may say we) lived, and even slept, in the same cabin with the General; I am persuaded that no person will hesitate to acknowledge, that the General had a thorough opportunity to form his own judgment of you, and that from his opinion, thence formed, is evidently traced the cause which led him to appoint you to be Commandant at Trinidad; for, if this be not just, then it follows, either that he had formed *no* opinion of you at all, or that he appointed you *contrary* to his own opinion; which, when applied to the actions of Sir Ralph Abercromby, I believe every body will say, in the language of geometers, —is absurd.

I am always, my dear Picton,  
Yours, with the greatest regard,  
FREDERICK MAITLAND.

Colonel Thomas Picton.

## No. VIII.

*Centaur, Carlisle Bay, Barbadoes, 1st September*

MY LORD,

1804.

I SHOULD do great injustice to myself and my late colleague, Brigadier General Picton, if I did not (after reading a publication of Mr. Fullarton's respecting the Commission at Trinidad last year) inform your Lordship, at an early period, of the fabrication in various passages said to have been

spoken by me. The very harsh expressions, and the acrimony with which Mr. Fullarton brings forward this epistle, FALSE ALMOST IN EVERY PAGE, that I trust your Lordship, and others of His Majesty's Ministers, will view it as it deserves. Mr. Fullarton states my consulting the Brigadier before Council was assembled of the matters we were to enter upon: *I declare upon mine honor no such communication ever took place*; neither did ever the Brigadier make use of one expression out of the Commission that could tend to lead me on his side; but I was guided by honorable sentiments, and not by such duplicity and intriguing as was exhibited in every part of Mr. Fullarton's transactions; but Mr. Fullarton used every art even to get his lady to aid, to lead me into a track that must have soon destroyed the tranquillity of the colony. This false philanthropy must now be sufficiently brought to light, that it needs no comment. He attributes words spoken in council, in my house, in not agreeing with my colleague: *I give the most perfect contradiction thereto*; and I cannot allow this to pass over without remarking on the means adopted by persons whom he calls Gentlemen, that should listen to any conversation where their business did not require, and it was not probable my servants should listen, and carry my conversation to the house of the First Commissioner; and I conceive such allegations can only tend to prove how ready Mr. Fullarton has been to *catch at subjects I should shudder to repeat, had I made use of such ignoble means to gain the information stated*. I will not trespass longer on your Lordship's time; and I shall conclude this in saying, the upright and just measures adopted by the late Governor saved the island; and I rest assured his character cannot be spoken of too highly, or traduced by the artful measures of an old intriguing politician.

I have the honour to be, &c.

SAMUEL HOOD.

Earl Camden, K. B. &c. &c.

## No. IX.

*Extract from the Address of His Majesty's Council of the Island of Trinidad, to His Excellency the Lieutenant Governor, Thomas Hislop, Esq.*

WE, His Majesty's Council of the said Island of Trinidad, beg leave to assure your Excellency, that we have seen with just concern an attempt made to interrupt the peace and tranquillity of the colony, by *assertions* advanced in a pamphlet written by *Colonel Fullarton*, and by him forwarded to your Excellency. We have, in a Committee of the whole Board, *resolved them to be libels on your Excellency*, and meant to throw reflections upon the present Government and the Members of His Majesty's Council, and *to sow discord, disunion, and mistrust among them, &c. &c.*

(Signed) Hon. J. RUTHERFORD.

Hon. JOHN SMITH.

Hon. J. RIGBY.

Hon. JOHN NIHILL.

Hon. ST. HILAIRE BEGORRAT.

Hon. ARCHIBALD GLOSTER.

*Extract from the Answer of His Excellency the Lieutenant Governor to the foregoing Part of the Council's Address.*

Gentlemen,

I beg leave to offer you my warmest and most grateful acknowledgments for the very flattering and kind address with which you have been pleased to honor me; and you may be assured, that it is with no less concern that I have seen an attempt made to interrupt the peace and tranquillity of the colony, by *assertions* advanced by *Colonel Fullarton*, one of which was transmitted to me by his directions.

The resolutions which your Board have thought proper unanimously to adopt on the occasion, cannot fail to stand recorded on a basis the most impartial, and must be to the world convincing of the pure and honorable motives that have actuated you in the steps you have deemed necessary to adopt to refute unmerited calumnies, and most effectually to adopt the possibility of introducing the seeds of discord, disunion, and distrust in the colony; which, through the never-ceasing determination which you, individually as well as collectively, have manifested for the maintenance of union of action and sentiment in the discharge of your public duties, as well as in your private capacities, has hitherto maintained its rightful authority with requisite energy, and is thereby capable of resisting every species of attempt which can in future be invented to shake it, &c. &c.

THOS. HISLOP,  
Lieut. Governor.

## No. X.

Sir,

London, October 1st, 1805.

HAVING had the honour of serving under your command in the island of Trinidad in the year 1798 and 1799, periods the most critical, during which your vigilance, activity, and wise measures, preserved that valuable colony, I could not help reading, with the utmost astonishment and surprise, "A Statement of Letters and Documents respecting the Affairs of Trinidad, &c. &c." I must declare the same in one particular instance to be "a statement of the most base and malicious falsehood," and firmly persuade myself that, after a just and candid investigation, the whole will appear in its true merits, as having been brought forward purposely to create amongst an ignorant public an unfavourable impression concerning your acts of government, which unquestionably will stand the most rigid ordeal.

I allude to No. LXXXIII. Colonel Fullarton's Answer to Colonel Picton's Address, page 172, where it is said,

" The various expeditions against Guiria — Point a  
 " Pierre, Carupano—on the river Guarapuchy—were merely  
 " predatory enterprizes to procure mules and cattle, and  
 " to punish individuals who had incurred Colonel Picton's  
 " resentment."

Also page 11, in a note :—

" The chief object of these expeditions was to plunder  
 " cattle from the inoffending inhabitants, for his own emolu-  
 " ment."

I have been the officer whom you ordered to embark with a detachment of an hundred men, " to disperse several armed  
 " bodies collected and assembling on the opposite coasts of  
 " the gulph, at Guiria, the river Guarapuchy, &c. &c."

I sailed on board of His Majesty's ship Invincible, Captain Cayley, in company with His Majesty's sloop Zephyr, Captain Champain; my instructions ordering to disperse all armed bodies along the coast, assembled for the purpose of invasion, and of preventing Spanish launches to proceed to port of Spain; enjoined the strictest attention to order and discipline, and to cultivate the good will of the inhabitants along the coast; and I do hereby most solemnly declare, that not the least act of depredation or irregularity has been committed by this expedition, which effected several landings along the coast. The first disembarkation which took place at Guiria was made with all necessary precautions, not knowing what resistance we should meet with. Captain Cayley was even so obliging to order a party of marines to proceed with me on shore. Finding, however, the enemy dispersed, and the inhabitants coming in crowds to receive us as friends, the troops were reembarked the very same evening, and in our subsequent visits on shore we were only attended by small parties of about fifteen or twenty men.

This, therefore, Sir, was no predatory enterprise; on the

contrary, it was undertaken, *as all others*, for the protection of a very valuable trade with the Spanish Main, and for the security of the island of Trinidad.

I forbear saying more; regretting much the worthy Captain then commanding His Majesty's ship Invincible being dead, and therefore not to be referred to on the occasion. I am convinced that the respectable naval officers under whose protection, assistance, and direction, these expeditions did sail, Captain Champain, Captain Dickson, &c. Major Laureal of the 12th West India regiment, Captain Frauchessin of Sir Charles Green's light infantry volunteers, will all concur with me in declaring it "a base and malicious falsehood," when it is asserted that their chief object was plunder and depredation.

I have the honour to be, with the greatest respect,

SIR,

Your very faithful and obedient servant,

Ls. MOSHEIM,  
Lieutenant Colonel.

Colonel Thomas Picton, &c. &c.

21, Edward-street.

## No. XI.

*Inconstant, Spithead, 4th Dec. 1804.*

My dear Sir,

I HAVE received your letter inclosing Colonel Fullarton's extract, and should have answered it immediately, but waited to see the letter you mentioned, having sent by Captain Maxwell, who is not yet come this way.

With respect to the extract in question, it is notoriously false. I never went on any predatory enterprises whatever: those undertaken by your orders, and executed by me, were for the sole purpose of destroying French privateers and bodies of brigands, who had taken post on the Spanish Main,

and threatened the destruction of the island of Trinidad ; and I trust my public letter to Admiral Harvey, of the 6th of December 1798, stating the account of the expeditions to Rio, Caribe, and Carupano, which you will see in the Naval Chronicle for that month, printed for I. Gold, Shoe-lane, London, will refute most fully his assertion. I have enclosed you a copy of the proclamation I sent to the Commandants of Rio, Caribe, and Carupano, which is another strong proof that our mission was not to plunder or bring off cattle, either for ourselves or your estates ; and I am persuaded, that Colonel Mosheim, Major Laurial, and Captain Champain, will feel equally indignant with ourselves at so gross a misrepresentation of the motives which guided us on those expeditions. And be assured, my good Sir, it affords me great satisfaction to have it in my power to enable you thus publicly to contradict insinuations suggested solely to poison the public mind. With respect to the sentiments of the inhabitants of the Spanish Main towards you, I can say, with great truth, wherever I had an opportunity of communicating with them, they expressed the highest veneration for your character, and placed the greatest confidence in your government.

I am, my dear Sir,

Yours very sincerely,

E. S. DICKSON,

Captain R. N.

No. XII.

Dear Picton, . . . . . *Dover, Nov. 24, 1804.*

I AM favoured with your letter of yesterday, and I received the parcel the day before.

Be assured, my dear Sir, I shall at all times have great pleasure in bearing testimony to your very honorable conduct the whole of the time I had the pleasure of acting in conjunc-

tion with you, as senior officer of His Majesty's ships and vessels in the gulph of Paria.

I do not recollect any expeditions to the Main, or the different places mentioned in Mr. Fullarton's publication (page 172), except one to the Main, the name of the place I forget, (and I have not my log-book here to refer to); the object of which was, to deter the Commandant of the place we went to from molesting the Spanish launches coming to trade at Trinidad; and so perfectly satisfied was he with our conduct, that he came on board the Dictator and dined with me, and promised in future to give the trade all the assistance in his power; and I will positively assert, that *no man durst* have hinted an idea of plunder, peculation, or dishonourable conduct, to either of us.

I hope to be able to come to town shortly after Christmas, when I shall have great pleasure in assuring you of my most perfect respect and esteem.

Faithfully yours,

M. WESTERN,

Colonel Picton, &c.

Captain R. N.

### No. XIII.

My dear Sir,

IN perusing Colonel Fullarton's publication relating to certain transactions in the island of Trinidad during your government, I cannot, as an officer who then held a considerable time the command of one of His Majesty's sloops on that station, help expressing that indignation I must naturally feel at the very malicious aspersions with which that gentleman has thought proper to stigmatize the conduct of the naval officers during that period.

The reasons for which he has introduced in his work this calumny, of predatory excursions being undertaken for private purposes, and particularly to obtain negroes for the

Governor of Trinidad's estates, is foreign to the purpose. But so serious an imputation cannot be passed over in silence; indeed it behoves every one against whom this accusation is brought to vindicate himself; and as that is the sole object of this address, you will make that use of it you may deem most advisable to that end.

Mr. Fullarton must know, that every atom of what he has above asserted respecting the navy is, *as I now declare it to be, perfectly false*. Though the ships and vessels of war were under the command of Captain E. S. Dickson, we were both on service to the Spanish Main, but not for the purpose of committing depredation; but we seeked the noble employ of the search and destruction of a miscreant foe, yet well known in the West Indies as brigands, who were posted in parts of the Spanish Main, to render, in that precarious time, as much distress to the colony of Trinidad as possible; and but for the excellent look-out upon their plans, much mischief might have ensued to the colony; and on no other account have I received any other orders respecting this service; nor were any slaves or cattle taken by me as asserted; if they were, my present declaration would fall to the ground, as a reference to the ship's journals would establish the point as well as living testimony. I believe, my dear Sir, you had at that time no landed property in the island; and if you had, I am convinced, from our long acquaintance and your well established honest integrity, you are one of the last, I should conceive, who could have admitted a thought of stocking your lands by such means. Captain Dickson, Major Mosheim, and myself, must spurn at these base insinuations. With long and faithful regard to your eminent services and faithful friendship,

I am, my dear Sir,

Your most assured friend,

W.M. CHAMPAINE,

Jason, Woolwich, Dec. 28th, 1804.

Captain R. N.

To Colonel Picton, &c.

## No. XIV.

*M'Callum's ("author of Travels in Trinidad,") Case.*

" If Mr. J. P. M'Callum, author of Travels in Trinidad,  
" does not, within fourteen days from the date hereof, fetch  
" away the few effects he has left at No. 40, Suffolk-street,  
" Charing-cross, they will be sold as part payment of his  
" rent, and legal steps taken to recover the remainder."

The above Advertisement is extracted from the *Globe* newspaper of the 11th April 1806; on seeing it, I immediately called at the house, and found that this fellow had suddenly disappeared, owing a considerable sum to a respectable couple, who lived by letting their house in lodgings.

This vagrant has exhibited himself so conspicuously in the affair of Colonel Picton, that I shall assign him among the three worthies with whom I have here associated him, the first place, as I have done before with his friend Mr. Principal Fullarton.

*Extracted from the Minutes of Council.*

TRINIDAD.—At a Meeting of the Council at the residence of Commodore Sir Samuel Hood, in the town of Port St. Joseph, on Thursday the 14th April, 1803.

Present,

Their Excellencies,	$\begin{cases} \text{B. G. Thomas Picton.} \\ \text{Commodore Samuel Hood.} \end{cases}$
The Honorable	$\begin{cases} \text{John Black.} \\ \text{Hilario Begorat.} \\ \text{Archibald Gloster.} \\ \text{Jos. M. Woodyear.} \end{cases}$

The Minutes of the preceding Meeting being read and approved,

*Copy of a Letter from Lieutenant Colonel Grant, of the Royal Trinidad Militia, addressed to their Excellencies the Commissioners.*

Gentlemen,

" As Commanding Officer of the Royal Trinidad Militia,  
d

“ I think it my duty to state to your Excellencies, that in consequence of certain expressions made use of by a gentleman of this town, named M'Callum, as to the right of your Excellencies turning out the militia, a considerable ferment exists in the corps, and it has been repeated to me, that some gentlemen have *in consequence*, positively refused to turn out. As similar expressions were made use of by this gentleman before the committee of officers, who sit weekly, to order absentees to be fined, or brought before them, I beg leave to refer your Excellencies for particulars to those gentlemen, who are, Captain Harrison, and Lieutenants Fisher, and M'Namara.

“ With an assurance, that nothing but a sense of duty could have induced me to trouble you on this occasion,

“ I have the honor to be,  
“ Gentleman, “ Your most obliged humble servant,  
“ CHARLES GRANT,  
“ Lieutenant Colonel, R. T. M.”

“ P. S. “ M'Callum has never joined the corps; his excuse, as sent to me, I beg leave to inclose. This excuse contained in the foregoing letter, is, Mr. M'Callum, as a traveller, is going round the island by order of Colonel Fullarton; he expects to sail on Friday; considers himself as a stranger and a traveller in the island, and that he has not enrolled himself in the militia; if he were a resident would join the regiment.

“ Then follow the affidavits of Captain William Harrison, and Lieutenants Fisher and M'Namara, sworn before their Excellencies the Commissioners. I shall extract the principal contents.

“ They swear, “ that one Peter M'Callum *appeared* before the said Committee, and declared that Governor Pict-  
“ ton could not oblige any person to turn out in the militia,

" and that the proclamation respecting the militia, was  
 " founded on injustice; that if the Committee intended to  
 " make a Star Chamber business of it, and that if either  
 " party intended to *oppress him*, they would find him a bit-  
 " ter enemy; that as *tyranny and oppression* had been the  
 " ruling order of the day, he expected his share of it, &c.  
 " &c.

" James Bourke, merchant, also swears, that Peter  
 " M'Callum *advised him not* to turn out in the militia, and  
 " if they attempted to levy a fine, to allow them to take it  
 " out of his store.

" Robert Brunton, Adjutant of said militia, swears, that  
 " Peter M'Callum said, that the Commissioners had no  
 " power to call out the militia, *and that he had it from*  
 " *Colonel Fullarton.*

" William Wane, Serjeant, swears, that M'Callum said  
 " to him, that if there were any attempt made to force him  
 " to turn out in the militia, that he should repel it, and shoot  
 " the first man who attempted to lay hands on him.

" William Stephens, Lieutenant, swears, that he fre-  
 " quently heard M'Callum declare, that the militia was a  
 " self-constituted body, and there existed no power in the  
 " Government of this island to embody a militia, and that  
 " no Commission in it was worth a farthing.

" All these persons pointed out M'Callum, who was  
 " present, and swore to his person.

" Then follows the examination of M'Callum, before  
 " the Commissioners, Colonel Picton, and Commodore Sir  
 " Samuel Hood."

His conduct and answers to the interrogatories put to  
 him, are of so impudent and insolent a nature, that I  
 shall not trouble myself, or my reader, by inserting them.  
 I hasten to the order of their Excellencies, for shipping  
 him off the island.

" Their Excellencies came to a resolution to ship P.

“ McCallum for New York, as a dangerous person, who had  
“ attempted to seduce from their duty the militia of the  
“ colony, and for other seditious practices.

“ Ordered, that he be sent away in the Schooner Aspasia,  
“ Captain Edward Kingsland, for New York, and that fifty-  
“ six dollars be paid, by an order on the Treasurer, to de-  
“ fray his expences.

“ J. M. WOODYEAR,

“ Secretary of the Commission.”

## No. XV.

### *Dowling, the Mulatto's Case.*

The gentleman alluded to in page 259 is one Dowding, a mulatto, who arrived in Trinidad without the certificate of good conduct required from the Government, he had last left; he was allowed to remain a few days, to arrange some business which he pretended to have in Trinidad. A day or two afterwards he was convicted by the Alcalde of the Barrio, for an assault upon an old white gentleman. During his imprisonment on that account, an official letter arrived from the Attorney General of St. Vincent, representing him as an extremely dangerous subject, who had been convicted at the Great Sessions of St. Vincent, for sedition, and transported from the colony. It was in consequence signified to him, that he should not be at liberty to remain in the colony, but might leave his lodgings when he chose; and the gaoler, Vallot, had general directions to take out a pass from the Secretary's office, whenever he wished to make use of it; this he never would do, and voluntarily remained in prison for many months. I have placed him in the Appendix, between his associates, *George Augustus Hayes, Esq. Barrister at Law*, and Mr. McCallum, “ author of the Travels in Trinidad,” who also voluntarily left his lodgings, No. 49,

Suffolk-street, as appears by the copy of the advertisement at the head of his case.

*Translated from the French.*

From the register of the Archive of the Sovereign Council of the island of Martinique, was extracted the judgment which follows, of the 6th of March, 1800.

Seen what results from the charges and informations of the preceding. Declares the said Dowding duly attainted and convicted of having struck the Seur Beastale, in reparation of which, condemns him to be placed in the pillory during one hour, in the public square, in the parish of St. Peter's, and during one hour in that of the Mouillage, in the said town, having before and behind a writing with these words—*Mulatto who struck a white man.*

Condemns him besides to banishment for nine years from this colony, enjoining him to conform to the Ban, under pain of incurring the punishment ordained by the laws, which shall be explained to him.

And conforming to the appeal of the Seur Beastale, condemns the said William Dowding to pay to the said Seur Beastale, the sum of three thousand three hundred livres, by way of civil reparation. Out of which sum are to be paid the expences of the proceedings, and the printing of the present arrêt, and the surplus to be lodged with the administrators of the hospital for abandoned children, to whom the said Seur Beastale declares that he abandons it.

Ordered, that this arrêt shall be printed, to the number of fifty copies, to be published and stuck up in all the parishes of the colony, under the directions of the Procureur du Roi. Charges the officers of the Senechausee of St. Peter's, with the execution of this arrêt.

Examined, BARTONILLE, Grif.

Seen for the legalization of the signature of Mr. Bartonille, sworn commissary Griffin of the Court of Appeal.

Martinique; and for the attention that stamps and entagis-  
terment are not the usage of the colony.

Given at the Fort of France, 22 Nivose, 1802  
in the year of the Republic, by the  
LE BRÉVET GRANDEUR,

The Grand Judge of Martinique.

By order of the Grand Judge,

ROACH, fils,

No. XVI.

*Case of Charles Augustus Hayes, Esq. called "Barrister at Law," in the return to the Mandamus issued from the Court of King's Bench, Trinidad.*

At a Meeting of his Majesty's Council, held at the house of the Deputy Clerk of the Council, on Tuesday, the 24th day of September, 1805, conformable to adjournment,

Present, *His Excellency Brigadier General Hislop, Lieutenant Governor.*

*John Nikell, James Bigby, St. Hilaire Begorat, John Smyth*

*The Honorable*

The proceedings of the last Meeting being read and ap-  
proved,

The Board having taken into its most serious consideration, a letter signed by seven inhabitants of this town, addressed to the Commercial Committee, and the *false and unqualified* reflections on the Government, contained therein, acknowledged on oath by the subscribers, and the dangerous ten-  
dency of the same, written with the view of disturbing the  
peace and tranquillity of the colony, and having fully and suf-  
ficiently proved by the examination of two witnesses, on oath,  
that the said letter was composed, and originally written by

Charles Augustus Hayes; and having also considered that the conduct and behaviour of the said Charles Augustus Hayes, in several instances, has been directed and intended to misrepresent the proceedings of the Government, and thereby alienate the affections of the inhabitants, and the same being contrary to the laws existing in this colony, which His Majesty in his royal wisdom has been pleased to order to remain and continue in full force, DO RESOLVE that the future residence of the said Charles Augustus Hayes, will be dangerous to the peace and tranquillity of the colony, and that he comes under the description of persons designated by the twenty-four articles of instructions, addressed to the Commissioners for executing the office of Governor and Commander in Chief of the island, the powers contained in which commission and instructions are at present invested in his Excellency the Lieutenant Governor, by his commission under His Majesty's Sign Manual of May, 1809; by which his Excellency is directed and instructed, to remove from the island any person, the continuance of whose residence in the island, may be found dangerous to the peace and security thereof, and this Board does therefore recommend to his Excellency, the Lieutenant Governor, immediately to deprive the said Charles Augustus Hayes of his license to practise in any of the Courts of the island, and to take such measures as he may judge necessary for his removal from the colony, and that in the mean time, he the said Charles Augustus Hayes be confined in the public gaol, until an opportunity be found, or that he shall find one himself, in order thereby to deprive him of the means of again disturbing the tranquillity and peace of the colony.

### TRINIDAD.

*Council Chamber, 24 September, 1805.*

You are hereby required, conformable to a resolution of Council, this day to confine in the public gaol of this town,

the person of Charles Augustus Hayes, and there keep him, until the said resolution of Council shall be complied with. A copy of which shall be furnished him without delay, and for so doing, this shall be your warrant.

By Order of the Board.

Wm. HOLMES,

Deputy Clerk of the Council.

To Hector McKenzie, Esq.

Deputy P. Marshall, or his Assistant.



No. XVII.

MONTHLY STATE

or

His Majesty's Forces in Garrison at TRINIDAD, Sept. 1, 1797.

CORPS.	Commissioned Officers.	Sergeants.		Drummers.		Rank and File.		Absentees.		Deceased.	Discharged.	Deserted.
		Fit for Duty.	Sick.	Fit for Duty.	Sick.	Total.	Sick in Hospitals.	Total.	Sick in Quarters.			
57th, or West Middlesex Regiment	1 1 5 11 3	25 1 13 1 2	3 1 2 1 2	21 14 7	16 5 7	98	25	156	684	89		
Detachment of Hompesch's Reg.	1 1 1 3 2	1 1 2 1 2	1 1 2 1 2	14 7	5 3	50	10	168	329	17		
Detachment of Sotter's Corps.....	1 1 1 3 2	1 1 2 1 2	1 1 2 1 2	7 3	3	20	5	118	4	2	1	
<b>Total.....</b>	<b>1 2 7 16 7</b>	<b>4 45 22</b>	<b>4 7 16 7</b>	<b>45 22</b>	<b>24</b>	<b>26</b>	<b>498</b>	<b>309</b>	<b>82411131</b>	<b>4</b>	<b>58</b>	<b>1</b>

DETACHMENTS



**ERRATA.**

Page 5, line 23, dele for,  
39, — 22, for *islands*, read *island*.  
56, — 3, dele *and maintained*.  
97, — 17, for *t*, read *it*.  
103, — 3, for *quartoz*, read *quartos se*.  
203, — 23, for *Mulata*, read *Mulatto*.  
256, — 20, for *runs counter*, reads *runs greater to*.









